

# *City of Alexandria*

## MEMORANDUM

DATE: FEBRUARY 9, 2004

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP SUNDERLAND, CITY MANAGER *PS*

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR *BC mb*

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 2) ON LEGISLATION  
INTRODUCED AT THE 2004 GENERAL ASSEMBLY SESSION

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**ISSUE:** Recommendations and status report (No. 2) on legislation introduced at the 2004 General Assembly Session.

**RECOMMENDATION:** That City Council support compromise residential rental inspection legislation described below as preferable to HB 828, as introduced.

**DISCUSSION:** The 2004 General Assembly Session, which began on January 14, is now nearing "crossover." Crossover is that point halfway through Session that marks the end of the period that the House of Delegates considers House bills and the Senate considers Senate bills. After crossover day, which is February 17, the House will consider only Senate bills, and the Senate will consider only House bills; no legislation can be enacted unless it is passed in identical form by both the House and the Senate.

Shortly after crossover, on February 22, the House Appropriations and Senate Finance Committees are scheduled to make their recommendations on amendments to the Governor's proposed biennial budget.

The major issues before the General Assembly this year continue to be tax reform and the biennial budget.

**City Package.** The following actions have been taken on bills from the City's Legislative Package since the last report to Council (the status of these and all other City Package bills is included in Attachment 1):

- Legislation to amend the City Charter (SB 472) has been passed by the Senate. In its current form, the bill will:
  - (1) authorize the City to provide loans and grants to City and School employees who purchase homes within the City;
  - (2) revise Charter provisions on zoning so that the Charter preempts all general law provisions governing the initiation of zoning amendments;
  - (3) clarify that any written or other notice requirements in the general law that are applicable to rezonings or text amendments apply only at the rezoning or text amendment stage of the process, and do not have to be repeated prior to ordinance adoption; and
  - (4) stipulate that the zoning penalty authority conferred on the City by the Charter preempts any general law limitations on zoning penalties.

Two other provisions originally in the bill (regarding private causes of action under the City's Human Rights Ordinance, and automatic annual cost-of-living increases to the salaries of the Mayor and Council) have been removed from the bill. Without their removal, the entire bill would have been defeated.

- Legislation (HB 827) to authorize any locality to provide loans of up to \$5,000 to its employees who purchase homes within the locality has passed the House and awaits consideration by the Senate.
- SB 665, which seeks to protect the confidentiality of communications between victims of sexual assault or domestic violence and their advocates, was passed by the Senate Courts of Justice Committee on a 9-5 vote.
- All of the various House bills that were introduced to expand the number of localities that are authorized to use red light cameras, or to eliminate the statute's sunset clause (the authorization is scheduled to expire July 1, 2005), have been defeated in the House Committee on Militia, Police and Public Safety. Although Senate versions of these bills have passed the Senate, they are expected to die in the House of Delegates.
- Likewise, legislation that would require drivers to stop (rather than simply yield) for any pedestrian using a crosswalk at a non-signalized intersection (HB 539) is having difficulty in the House, where it was defeated on the floor and returned to the committee for additional work (returning a bill to committee usually, but not always, means the bill will die). The Senate bills (SB 451 and SB 101) are receiving favorable consideration by the Senate, but will face difficulty in the House.
- SB 458, which seeks to increase, from two to four percent, the sales tax on motor fuels in Northern Virginia that is used to help pay for transit costs, still awaits action by the Senate Finance Committee.

- HB 838, which would have extended in-state tuition rates to certain undocumented students (as proposed by Governor Warner to the 2003 General Assembly), was defeated by the House Education Committee. The Committee then approved HB 156, will prohibit such undocumented individuals from even enrolling in state colleges and universities. This bill has now been approved by the full House and awaits action by the Senate.
- HB 825, which will allow the Virginia Housing Development Authority (VHDA) to finance both mixed-income and mixed-use projects, was passed by the House and awaits action by the Senate.
- Legislation (HB 572) to expand the list of gang-related crimes that are considered predicate criminal acts has passed the House and awaits action by the Senate. The Senate Courts of Justice and Finance Committees have approved a bill (SB 492) to create a rebuttable presumption against bail for alleged violations of criminal street gang statutes; this bill awaits action by the full Senate.

**Tax Reform.** The General Assembly has begun to take formal action on the various tax reform proposals that have been introduced. On February 4, the House Finance Committee took up and defeated the Governor's tax reform proposal. It also defeated all other House proposals to increase cigarette, motor fuels, sales, and other taxes. The only major tax-related measure it approved was legislation to eliminate the estate tax.

The Senate Finance Committee has scheduled consideration of tax reform legislation (Governor Warner's and Senator Chichester's) for meetings on Tuesday and Wednesday February 10 and 11, with votes likely to come on the 11<sup>th</sup>. This Committee is expected to recommend comprehensive legislation, including increases in the sales tax, the income tax, the tobacco tax, the motor fuels tax, and other taxes, as well as tax relief for low-income Virginians.

**State Budget.** The House Appropriations and Senate Finance Committee are scheduled to recommend their amendments to the Governor's budget proposal on February 22. Because the state budget is dependent on state revenues, both the House and the Senate can be expected to report significantly different proposals.

On February 6, the Chairman of the House Appropriations Committee outlined his committee's plans for crafting a budget. Included in the House budget, he said, will be the following:

- replenishment of the "Rainy Day" fund;
- full funding of the costs to rebenchmark the Standards of Quality;
- additional funding for higher education;
- additional funding for mental health; and
- funding for projected enrollment increases in the state's FAMIS (child health care) program.

To pay for existing programs as well as these increases, the Committee plans to:

- forego funding any new or expanded initiatives;
- level fund existing programs at their FY 2004 levels, unless an increase is needed to pay for enrollment or caseload increases;
- eliminate unnamed programs which the committee believes are no longer beneficial to the state;
- introduce or increase user fees for some health care, public safety, and other programs.

The Senate has not announced how it plans to deal with the budget, but it clearly will have far more revenue to appropriate if, as expected, it approves major tax increases. Based on statements by Committee Chair John Chichester, it is likely that the Committee will earmark significant new funding for education, transportation, and other programs.

The full Senate and House are scheduled to vote on their respective Committee recommendations on February 26, and few, if any, changes are likely to be made to the Committees' proposals. The House and Senate will attempt, during the remaining weeks of Session, to develop compromise budget amendments (and tax reform legislation) that both houses can agree on. As noted in earlier reports, tax reform and the budget will be two of the last measures agreed to by the General Assembly.

**Residential Rental Inspections.** HB 828, if enacted as introduced, would force the City to discontinue its long-standing residential rental inspection program. In the future under this bill, the City could inspect residential units only in areas that are already blighted. Local governments from around the state opposed the bill as introduced.

For several weeks, representatives of local government and the rental industry have been meeting to develop compromise legislation that would allow residential rental inspection programs to continue to exist with modifications that would address some of the concerns of the rental industry. Late last week, both sides gave tentative agreement to compromise legislation that includes these components:

- Any annual registration requirements will be replaced with a one-time notification process to the locality, with additional notification to the locality about any subsequent change, such as change in ownership.
- Annual registration fees (the City currently charges \$3/unit) will not be allowed, but inspection fees will. The City should be able to generate enough revenue from inspection fees to make up for the loss in registration fees (the City receives approximately \$80,000 to \$90,000 annually from registration fees).
- "Good actors" will be inspected less frequently (they may be exempted from inspections for four years), and "bad actors" more frequently. Any unit will be subject to inspection at any time upon the receipt of a specific complaint.

- Localities will have to establish residential rental inspection districts (and the inspection program itself) by ordinance. There can be two types of districts: (a) those that are already blighted or deteriorating; and (b) those where the residential units need an inspection program to prevent deterioration, taking into account the number, age and condition of residential rental units inside the rental inspection district. The City is likely to rely primarily on (b) to designate residential inspection districts.

While the City will not be able to continue its current program without modifications, staff believes it can continue to run a responsible inspection program under the revised legislative proposal. If this legislation is enacted (as it likely will be), localities will have to restructure their programs to comply with the new law by July 1, 2005.

Staff recommends that Council support this as an alternative preferable to HB 828, as introduced.

**Living Wage.** Although the first of two anti-living wage bills was scheduled for consideration by the Senate Commerce and Labor Committee on February 2, the Committee was unable to complete its docket and postponed full testimony on and debate of this legislation until February 9. Staff will give an oral update on this legislation at the February 10 Council meeting.

The second bill to eliminate the City's living wage was referred to the Senate Rules Committee and will likely be heard later this week.

**STAFF:**

Bernard Caton, Legislative Director  
Michele Evans, Assistant City Manager

**ATTACHMENTS:**

Attachment 1 - Current Status of Bills on Which the City Has Previously Taken a Position, February 7, 2004

**Attachment 1**  
**Current Status of Bills on Which the City has Previously Taken a Position**  
**February 7, 2004**

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**HB 19 Traffic signals; use of photo-monitoring in any locality.**

*Summary as introduced:*

**Photo-monitoring systems to enforce traffic light signals.** Expands photo-monitoring systems for traffic signal enforcement to all of Virginia instead of specified localities.

*Patron:* McQuigg

01/20/04 House: Referred from Transportation (21-Y 0-N)

01/20/04 House: Referred to Committee on Militia, Police and Public Safety

01/30/04 House: Passed by indefinitely in M., P.& P. S. (14-Y 8-N)

**Notes:** City Position: Support

**HB 66 Law-enforcement officer; penalty for impersonating.**

*Summary as introduced:*

**Impersonating an officer.** Provides that any person who commits a felony crime against a person while impersonating an officer is guilty of a separate and distinct Class 6 felony.

*Patrons:* Cosgrove and Athey

02/02/04 House: Reported from Courts of Justice (22-Y 0-N)

02/02/04 House: Referred to Committee on Appropriations

02/05/04 House: Assigned to App. sub-committee: 8

**Notes:** City Position: Support

**HB 80 Family assault; emergency protective orders.**

*Summary as introduced:*

**Emergency protective orders.** Amends the section on emergency protective orders to make it consistent with §18.2-57.2, which makes assault and battery of a family or household member a crime. Section 18.2-57.2 requires that an emergency protective order be issued whenever a warrant for family assault is issued. This bill removes language that qualifies that mandate by requiring, in addition to the warrant, a finding that there will be probable danger of further acts of family abuse.

*Patrons:* Cox and Dudley

01/14/04 House: Presented & ordered printed, prefiled 11/21/03 041116284

01/14/04 House: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**HB 87 Mobile infrared transmitters; certain prohibited.**

*Summary as introduced:*

**Mobile infrared transmitters.** Prohibits operation of motor vehicles equipped with mobile

infrared transmitters that are used by emergency vehicles to change traffic light signals so as to afford those emergency vehicles the right of way. The bill does not apply to emergency vehicles responding to emergency calls. The provisions of this bill closely parallel the law (§ 46.2-1079) prohibiting use of radar detectors.

*Patrons:* Lingamfelter, Cox, Griffith, Hamilton, Joannou, Morgan, Pollard, Rust, Sherwood, Tata, Ware, R.L. and Weatherholtz; *Senators:* Cuccinelli, Hanger and Potts

02/03/04 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/03/04 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/03/04 House: Communicated to Senate

02/04/04 Senate: Constitutional reading dispensed

02/04/04 Senate: Referred to Committee on Transportation

**Notes:** City Position: Support

### **HB 91 Business, professional and occupational license (BPOL) tax; license fees, rates and requirements.**

*Summary as introduced:*

**Business, Professional and Occupational Licensing Tax (BPOL); license fees, rates and requirements.** Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2006, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2006, and (iii) reduce the several different rates currently in the Code to a flat rate of 20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2006.

*Patrons:* Shuler and Baskerville

01/14/04 House: Referred to Committee on Finance

01/15/04 House: Assigned to Finance sub-committee: 2

01/17/04 House: Fiscal impact statement from TAX (HB91)

**Notes:** City Position: Oppose

### **HB 110 Budget, state; automatic reduction in general fund appropriations.**

*Summary as introduced:*

**Automatic reduction in general fund appropriations by Governor.** Requires the Governor, whenever general fund revenue collections for a period of six months or more show that year-to-date revenue growth is in excess of one percent below the official estimate upon which the appropriation act is based for such fiscal year, to institute an across-the-board percentage reduction in general fund appropriations to all executive branch agencies, which shall equal at least one-half of the revenue shortfall. Such action shall be communicated to the chairmen of the money committees within five days of its adoption.

*Patron:* Purkey

01/14/04 House: Referred to Committee on Appropriations

01/19/04 House: Fiscal impact statement from DPB (HB110)

01/23/04 House: Assigned to App. sub-committee: 11

**Notes:** City position: Oppose.

### **HB 113 Electric generating facilities; to meet emissions reductions in severe**

**nonattainment areas.**

*Summary as introduced:*

**Severe nonattainment areas.** Directs any electric generating facility in a severe nonattainment area to meet the following emission reduction requirements no later than January 1, 2009: (i) reduce aggregate sulfur dioxide emissions by at least 75 percent from levels allowed under full implementation of the federal Clean Air Act Phase II sulfur dioxide requirements, and (ii) reduce aggregate nitrogen oxide emissions by at least 75 percent from the facility's 1997 levels. Also, this bill prohibits any electric generating facility from operating after January 1, 2009, unless it has complied with such emission reduction requirements or entered into a consent decree with the State Air Pollution Control Board, agreeing to cease operations by 2014.

*Patron:* Van Landingham

01/14/04 House: Referred to Committee on Agr., Chesapeake & Natural Res.

01/20/04 House: Fiscal impact statement from DEQ (HB113)

01/28/04 House: Continued to 2005 in A., C. & N. R. (22-Y 0-N)

**Notes:** City Position: Support

**HB 153 Landlord and tenant; termination of tenancies, security deposit.**

*Summary as introduced:*

**Landlord and tenant law; termination of tenancies; security deposit.** Amends the Landlord Tenant Act to make it consistent with the Residential Landlord Tenant Act concerning termination of month-to-month tenancies. The bill clarifies that a landlord may purchase commercial insurance for damage coverage in lieu of all or part of a security deposit and grants the landlord the authority to purchase renter's insurance coverage for a tenant. The bill caps the amount of the security deposit and insurance premiums combined at two months' rent that can be collected from a tenant upfront.

*Patron:* Albo

02/02/04 House: Referred from Courts of Justice (22-Y 0-N)

02/02/04 House: Referred to Committee on General Laws

02/05/04 House: Reported from General Laws with sub (22-Y 0-N)

02/06/04 House: Committee substitute printed 041793204-H1

**Notes:** City Position: Oppose

**HB 155 Mobile infrared transmitters; certain prohibited.**

*Summary as introduced:*

**Mobile infrared transmitters.** Prohibits operation of motor vehicles equipped with mobile infrared transmitters that are used by emergency vehicles to change traffic light signals so as to afford those emergency vehicles the right of way. The bill does not apply to emergency vehicles responding to emergency calls. The provisions of this bill closely parallel the law (§ 46.2-1079) prohibiting use of radar detectors.

*Patrons:* Van Yahres; Senator: Deeds

01/14/04 House: Referred to Committee on Transportation

01/19/04 House: Assigned to Tra. sub-committee: 3

01/27/04 House: Incorporated by Tra. (HB87-Lingamfelter) (21-Y 0-N)



**Notes:** City Position: Support

**HB 156 Higher educational institutions; prohibits admission of illegal aliens.**

*Summary as introduced:*

**Higher education; admission of illegal aliens prohibited.** Provides that public institutions of higher education may not knowingly accept for enrollment any illegal alien, and directs each institution, upon discovering an enrollment of an illegal alien, to provide for the prompt dismissal of any such person from the institution.

In 1982, the U.S. Supreme Court ruled that undocumented alien children are ensured access to public education in grades K through 12; the Court found that the denial of public school enrollment violated the equal protection clause of the Fourteenth Amendment to the U.S. Constitution. This case was limited to public school enrollment and did not address postsecondary education. (*Plyler v. Doe*, 457 U.S. 202 (1982)).

In September, 2003, a lawsuit was filed in U.S. District Court in Alexandria, Virginia, on behalf of anonymous high school students and recent high school graduates, challenging the denial of college admission to undocumented alien students by the College of William and Mary, George Mason University, James Madison University, Northern Virginia Community College, the University of Virginia, Virginia Commonwealth University, and Virginia Tech. (*Chronicle of Higher Education*, September 12, 2003).

*Patrons:* Reid, Albo and Black

02/05/04 House: VOTE: PASSAGE (71-Y 29-N)

02/05/04 House: Rec. of passage agreed to by House

02/05/04 House: Passed House (72-Y 23-N)

02/05/04 House: VOTE: PASSAGE #2 (72-Y 23-N)

02/05/04 House: Communicated to Senate

**Notes:** City Position: Oppose

**HB 174 Recordation tax; additional distribution to localities.**

*Summary as introduced:*

**State recordation tax; additional distribution to localities.** Provides that 50 percent of the amount of state recordation tax collected in excess of \$80 million shall be distributed, beginning June 30, 2005, and each year thereafter, to the counties and cities based on the percentage of recordation taxes collected in each county and city. The remaining 50 percent would be deposited in the state's general fund. The additional amount above \$80 million distributed to counties and cities would be used for land preservation.

*Patron:* Lewis

01/14/04 House: Referred to Committee on Finance

01/15/04 House: Assigned to Finance sub-committee: 1

01/19/04 House: Fiscal impact statement from DPB (HB174)

**Notes:** City Position: Support

**HB 178 Procurement transactions, state and local; small business participation.**

*Summary as introduced:*

**Department of General Services; small business participation in state and local procurement transactions.** Directs the Department of General Services, with the assistance of the Department of Business Assistance and the Department of Minority Business Enterprise and in compliance with the provisions of subsection B of § 2.2-4310, to ensure that a fair proportion of the total purchases and contracts for property and services for state and local agencies are placed with small business enterprises and that every acquisition of goods and services by a public body anticipated to be under \$100,000 is set aside exclusively for small businesses unless the purchasing officer has a reasonable expectation of fewer than two bids by small businesses. The bill also requires Department of General Services to make such changes in eVA as are necessary to enhance participation by small businesses, including (i) establishing a graduated scale of fees for registration of vendors with eVA and for transactions fees charged for participation in eVA, taking into account the financial resources of small businesses; (ii) modifying eVA to require purchasing officers to select only small businesses as vendors for purchases under \$100,000, unless there are fewer than two small businesses registered who can provide the needed goods or services; and (iii) modifying eVA to ensure that before completing any transaction, purchasing officers are required to certify that they have included small, woman- and minority-owned businesses in the pool from which bids are sought or purchases negotiated or made.

*Patron:* Baskerville

01/14/04 House: Referred to Committee on General Laws

01/19/04 House: Assigned to General Laws sub-committee: 2

01/22/04 House: Fiscal impact statement from DPB (HB178)

**Notes:** City Position: Oppose

### **HB 183 Emergency management; local emergency actions.**

*Summary as introduced:*

**Emergency management; local emergency actions.** Provides that local emergency actions shall carry the force and effect of law if determined that such force is in the interest of public safety. Violations would be punishable as a Class 1 misdemeanor.

*Patron:* Oder

01/14/04 House: Presented & ordered printed, prefiled 01/06/04 046493444

01/14/04 House: Referred to Committee on Militia, Police and Public Safety

01/21/04 House: Fiscal impact statement from DPB (HB183)

**Notes:** City Position: Support

### **HB 186 Firearms; transfer by persons with a concealed handgun permit.**

*Summary as introduced:*

**Crimes and offenses generally; transfer of certain firearms.** Provides that a holder of a valid permit to carry a concealed weapon need not submit to a criminal background check to buy, rent, trade or receive a firearm from a dealer. The amendments would also allow the holder of a concealed handgun permit to purchase more than one handgun within a 30-day period.

*Patrons:* Black, Cole and Dudley

01/14/04 House: Referred to Committee for Courts of Justice

01/19/04 House: Referred from Courts of Justice (22-Y 0-N)  
01/19/04 House: Referred to Committee on Militia, Police and Public Safety  
**Notes:** City Position: Oppose

### **HB 187 Mortgage loans; regulations by Housing Development Authority.**

*Summary as introduced:*

**Virginia Housing Development Authority; regulations.** Requires the Housing Development Authority to develop regulations providing that single-family mortgage loans may be made to more than one person only if the persons to whom the loan is to be made are related by blood, marriage or adoption.

*Patrons:* Black and Dudley

01/14/04 House: Referred to Committee on General Laws  
01/19/04 House: Assigned to General Laws sub-committee: 1  
01/23/04 House: Fiscal impact statement from DPB (HB187)

**Notes:** City Position: Oppose

### **HB 193 Standards of Quality in public schools; apportionment of state and local share.**

*Summary as introduced:*

**Standards of Quality; apportionment of state and local share.** Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2004, in any year in which general fund revenue growth is at least three percent greater than population and inflation growth combined for the previous year, to increase the state share by three percent of the total costs, so that, by full implementation of this measure, the local share shall not exceed 65 percent and the state share shall be equal to at least 35 percent of the total costs in each division.

Such increases in the state share shall be granted to those school divisions whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium.

The per pupil costs of providing such required educational programs for school divisions whose local share as of July 1, 2003, was less than 65 percent of the total costs shall be the same as their final per pupil amount for fiscal year 2004.

Until such time that no school division's local share exceeds 65 percent, no school division shall receive additional state funding for reductions in enrollment; however, funding may be adjusted to (i) ensure that the school division's final per pupil amount remains at the fiscal year 2004 level; and(ii) address inflation and the biennial recalculation of the costs of providing an educational program required to meet the Standards of Quality, as provided in the appropriation act.

*Patron:* Black

01/14/04 House: Referred to Committee on Education  
01/19/04 House: Assigned to Education sub-committee: 1  
01/28/04 House: Tabled in Education (22-Y 0-N)

**Notes:** City Position: Support

**HB 298 Local taxes; effect of app. for correction of assessment or appeal upon app. for local permits & licenses.**

*Summary as introduced:*

**Local taxation; effect of application for correction of assessment or appeal upon applications for local permits and licenses.** Prohibits localities from denying permits and licenses to persons who have failed to pay taxes, penalties and interest pending correction of an assessment; appeal by locality of an assessment correction; appeal of a local business tax; or correction or equalization of an assessment of real property. However, localities do not have to issue licenses or permits if the unpaid taxes, penalties and interest would be jeopardized by delay and the issuance of the licenses or permits would prejudice or impede collection efforts. Also, there is no requirement to issue a local vehicle license or a vehicle registration or renewal of registration that is withheld pursuant to § 46.2-752.

*Patron:* Ware, R.L.

01/14/04 House: Referred to Committee on Finance

01/15/04 House: Assigned to Finance sub-committee: 1

01/31/04 House: Fiscal impact statement from TAX (HB298)

**Notes:** City Position: Oppose

**HB 304 Methadone clinics; licensure conditions for certain.**

*Summary as introduced:*

**Licensure conditions for certain methadone clinics; emergency.** Prohibits the granting of an initial license to a facility for the provision of detoxification, treatment or rehabilitation of drug addicts through the use of the controlled substance, methadone, or other such controlled substances, if such facility is to be located within a one-half mile of a public or private K-12 school. In addition, the Commissioner is required to notify the local governing body of the jurisdiction in which such facility is to be located within 15 days of receiving notice of a proposal or an application to obtain initial licensure for methadone clinics. The local governing body may submit comments on the proposal or application that may include its compliance with this provision and applicable local ordinances. Existing clinics, i.e., licensed and operating in accordance with the law and regulations in effect on January 1, 2004, are grandfathered. Three enactment clauses provide that: (i) the Board of Mental Health, Mental Retardation and Substance Abuse Services must promulgate emergency regulations; and (ii) the Commissioner must not grant or issue any initial license for a methadone clinic after the date of the enactment of this provision, unless the facility is in compliance with these provisions, notwithstanding any regulations to the contrary.

*Patrons:* Fralin and Ware, O.; Senator: Bell

01/14/04 House: Referred to Committee on Health, Welfare and Institutions

01/14/04 House: Fiscal impact statement from DPB (HB304)

01/28/04 House: Assigned to H. W. I. sub-committee: 3

01/29/04 House: Incorporated by H.W.I. (HB745-Ware, O.) (21-Y 0-N)

**Notes:** City Position: Oppose

## **HB 358 Freedom of Information Act; posting of notice of rights and responsibilities by state public bodies.**

*Summary as introduced:*

**Freedom of Information Act; posting by certain state public bodies; minutes.** Requires all state public bodies created in the executive branch of state government and subject to the Freedom of Information Act (FOIA) to make available certain information to the public upon request and to post such information on the Internet, including: (i). A plain English explanation of the rights of a requester under FOIA, the procedures to obtain public records from the public body, and the responsibilities of the public body in complying with FOIA; (ii) contact information for the person designated by the public body to (a) assist a requester in making a request for records or (b) respond to requests for public records; and (iii) any policy the public body has concerning the type of public records it routinely withholds from release as permitted by FOIA. The bill requires the Freedom of Information Advisory Council to assist state public bodies in the development and implementation of this information, upon request. The bill also specifies what information must be included in minutes of open meetings. Finally, the bill requires public bodies to make an audio or audio/visual recording of all closed meetings, which must be kept for two years from the date of the meeting. In this regard, the bill provides that where an action is brought to enforce FOIA, a court may conduct an in camera review of the closed meeting recording to determine what portions, if any, shall be made available to the parties for use as evidence in the proceeding. The court may, for purposes of discovery, redact from the closed meeting recording any information protected by law. The bill further provides that it shall not be construed to supersede the privacy or confidentiality provisions of state or federal law.

*Patron:* Suit

01/30/04 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

01/30/04 House: Communicated to Senate

02/02/04 Senate: Constitutional reading dispensed

02/02/04 Senate: Referred to Committee on General Laws

02/04/04 House: Fiscal impact statement from DPB (HB358E)

**Notes:** City Position: Oppose

## **HB 365 Standards of Quality in public schools; apportionment of state and local share.**

*Summary as introduced:*

**Standards of Quality; apportionment of state and local share.** Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2004, in any year in which general fund revenue growth is at least three percent greater than population and inflation growth combined for the previous year, to increase the state share by three percent of the total costs, so that, by full implementation of this measure, the local share shall not exceed 65 percent and the state share shall be equal to at least 35 percent of the total costs.

Such increases in the state share shall be granted to those school divisions whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium.

The per pupil costs of providing such required educational programs for school divisions whose

local share as of July 1, 2003, was less than 65 percent of the total costs shall be the same as their final per pupil amount for fiscal year 2004.

Until such time that no school division's local share exceeds 65 percent, no school division shall receive additional state funding for reductions in enrollment; however, funding may be adjusted to (i) ensure that the school division's final per pupil amount remains at the fiscal year 2004 level; and(ii) address inflation and the biennial recalculation of the costs of providing an educational program required to meet the Standards of Quality, as provided in the appropriation act.

The measure also includes language citing "equal opportunity to a quality education in all areas of the Commonwealth" and stating that "funding formulas are the best and most equitable way for the Commonwealth to distribute the state's share of costs of educational programs."

*Patrons:* Rust, Albo, Amundson, Black, Callahan, Petersen, Plum and Scott, J.M.; *Senators:* Howell, Mims, Puller, Saslaw and Ticer

01/14/04 House: Referred to Committee on Education

01/19/04 House: Assigned to Education sub-committee: 1

01/22/04 House: Fiscal impact statement from DPB (HB365)

01/28/04 House: Tabled in Education (22-Y 0-N)

**Notes:** City Position: Support

### **HB 368 Highway construction; allocation of urban and secondary system funds.**

*Summary as introduced:*

**Urban and secondary highway system construction allocations.** Allocates urban system and secondary system highway construction funds among affected jurisdictions on the basis of (i) area, (ii) vehicle miles traveled, and (iii) population, with area being weighted 15 percent, vehicle miles traveled weighted 25 percent, and population weighted 60 percent.

*Patrons:* Rust, Albo, Amundson, Black, Callahan, Dillard, Petersen, Plum and Scott, J.M.;

*Senators:* Cuccinelli, Howell, Mims, Puller, Saslaw and Ticer

01/22/04 House: Referred from Transportation (22-Y 0-N)

01/22/04 House: Referred to Committee on Appropriations

01/23/04 House: Assigned to App. sub-committee: 4

**Notes:** City Position: Oppose

### **HB 370 Traffic signals; abolishes sunset on use of photo-monitoring systems.**

*Summary as introduced:*

**Photo-red.** Repeals the July 1, 2005, "sunset" on "photo-red" traffic light signal enforcement programs in Virginia.

*Patrons:* Rust, Albo, Amundson, Callahan, Dillard, Petersen, Plum and Scott, J.M.; *Senators:*

Howell, Mims, Puller, Saslaw and Ticer

01/20/04 House: Referred from Transportation (21-Y 0-N)

01/20/04 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Support

### **HB 373 Referenda; local distribution of information.**

*Summary as introduced:*

**Distribution of information on local referenda.** Allows local governing bodies to disseminate neutral explanations of pending local referenda by any means, not just by publication or printing. The bill deletes the limitation on the length of the explanation to 500 or fewer words. It also prohibits the use of public funds for any advertisement or material advocating the passage or defeat of a referendum.

*Patron:* Lingamfelter

02/04/04 House: Read third time and passed House (97-Y 3-N)

02/04/04 House: VOTE: PASSAGE (97-Y 3-N)

02/04/04 House: Communicated to Senate

02/05/04 Senate: Constitutional reading dispensed

02/05/04 Senate: Referred to Committee on Privileges and Elections

**Notes:** City Position: Support

### **HB 381 Medical or health services to minors; notification to parents.**

*Summary as introduced:*

**Notification of parents of certain health services to minors.** Requires, notwithstanding other law to the contrary and unless prohibited by federal law or regulation, any state or local government agency employee who provides services to a minor, for which such minor is deemed an adult for purposes of consent, to notify, within two business days of delivery of such services, a custodial parent, legal guardian or other person standing in loco parentis of any service and any reason, condition or diagnosis requiring such service when the service relates to sexually transmitted diseases, the provision of emergency contraception, pregnancy, illegal drug use, and the contemplation of suicide. The employee is required to provide notice in person or by telephone, or if such attempts to notify are unsuccessful, by certified mail to the authorized person; however, notification will not be required when the employee has knowledge that such notification may result in future physical or mental abuse.

*Patron:* Lingamfelter

01/14/04 House: Referred to Committee on Health, Welfare and Institutions

01/21/04 House: Fiscal impact statement from DPB (HB381)

01/28/04 House: Assigned to H. W. I. sub-committee: 1

02/03/04 House: Passed by indefinitely in H. W. I. (16-Y 6-N)

**Notes:** City Position: Oppose

### **HB 385 Real estate tax; limitation on tax rate.**

*Summary as introduced:*

**Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a five percent increase in the total real estate tax levies for a county, city or town, with one exception. The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with one exception. The exception would allow a locality to set its property

tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed five percent. However, some taxpayers could be above the average while others could fall below the average. Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

*Patrons:* Lingamfelter, Black and Frederick

01/15/04 House: Assigned to Finance sub-committee: 1

01/20/04 House: Fiscal impact statement from TAX (HB385)

01/26/04 House: Tabled in Finance (16-Y 5-N)

01/27/04 House: Fiscal impact statement from DHCD (HB385)

**Notes:** City Position: Oppose

### **HB 395 Public School Authority; grants for school construction.**

*Summary as introduced:*

**Virginia Public School Authority; grants for school construction.** Authorizes the Virginia Public School Authority to issue bonds to fund grants to local school divisions in the total amount of \$1 billion to pay the costs of school construction, school renovation, and other school infrastructure projects. One-half of the grants (\$500 million) shall be distributed to each school division in an equal amount of \$3,676,471. The remaining one-half shall be distributed to each local school division on a set per pupil amount based on each school division's actual September 30, 2002, fall membership data as a proportion of total actual September 30, 2002, fall membership data for all school divisions.

*Patrons:* Amundson and Rust; Senator: Mims

01/21/04 House: Reported from Education (15-Y 7-N)

01/21/04 House: Referred to Committee on Appropriations

01/23/04 House: Assigned to App. sub-committee: 9

02/03/04 House: Fiscal impact statement from DPB (HB395)

**Notes:** City Position: Support

### **HB 407 Highways, roads and streets; standards for repairs and utilities.**

*Summary as introduced:*

**Local highways, roads and streets; repairs and utilities.** Requires all repairs and utility work done on any local highway, road or street that is not part of the state highway system to comply with established Virginia Department of Transportation standards.

*Patron:* Welch

01/23/04 House: Referred from Counties, Cities & Towns (21-Y 0-N)

01/23/04 House: Referred to Committee on Transportation

01/26/04 House: Assigned to Tra. sub-committee: 1

02/03/04 House: Stricken from docket by Tra. (22-Y 0-N)

**Notes:** City Position: Oppose



**HB 408 Highway repairs; use of steel plates.**

*Summary as introduced:*

**Use of steel plates in connection with highway repairs.** Requires that anyone using steel plates in connection with a temporary or permanent repair to the roadway of any highway shall apply a traction-improving substance to the plate and mark the plate so as to be clearly visible to oncoming traffic. If this cannot be done, the location shall be conspicuously posted in accordance with the Manual of Uniform Traffic Control Devices and any applicable supplements thereto.

*Patron:* Welch

02/04/04 House: Committee substitute printed 048242552-H1

02/05/04 House: Read first time

02/06/04 House: Read second time

02/06/04 House: Committee substitute agreed to 048242552-H1

02/06/04 House: Engrossed by House - committee substitute HB408H1

**Notes:** City Position: Support

**HB 412 Meals and lodging taxes; local increase by voter referendum.**

*Summary as introduced:*

**Meals tax and transient occupancy tax; cities and towns.** Restricts the imposition in any city or town of (i) a new (i.e., not in effect on January 1, 2004) meals tax or an increase in the rate as of January 1, 2004, without approval by referendum, and (ii) transient occupancy taxes in excess of two percent, (or five percent when the excess over two percent is spent on tourism promotion under certain conditions), unless the city or town had a higher rate as of January 1, 2004.

*Patron:* Welch

02/03/04 House: Amendments by Del. Welch agreed to

02/03/04 House: Amendment by Del. Carrico agreed to

02/03/04 House: Motion to rerefer to committee agreed to (50-Y 49-N)

02/03/04 House: VOTE: (50-Y 49-N)

02/03/04 House: Rereferred to Finance

**Notes:** City Position: Oppose

**HB 464 Taxes, local; appeal for correction of assessment.**

*Summary as introduced:*

**Local taxes; appeals.** Permits any taxpayer who is aggrieved by the assessment of any local tax to appeal such assessment to the Tax Commissioner for a determination of the issue. Either party may appeal the determination of the Tax Commissioner to the circuit court, and the locality must suspend all collection activity on the tax as long as the court has jurisdiction of the matter, unless the locality shows to the satisfaction of the court that: collection would be seriously jeopardized by delay; or that the locality is likely to prevail on the merits of the case because the taxpayer's application is (i) not well grounded in fact; (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; (iii) interposed for an improper purpose, such as to harass, to cause unnecessary delay in the collection of the revenue, or to create needless cost to the locality from the litigation; or (iv) otherwise frivolous.

*Patron:* Drake

01/14/04 House: Referred to Committee on Finance

01/15/04 House: Assigned to Finance sub-committee: 1

**Notes:** City position: Oppose

### **HB 483 Firearms; control by localities.**

*Summary as introduced:*

**Control of firearms by localities.** Deletes provisions that allow localities to enforce certain ordinances related to control of firearms adopted prior to 1987, and affirmatively declares that such ordinances are invalid.

*Patron:* Cole

01/14/04 House: Referred to Committee on Militia, Police and Public Safety

01/30/04 House: Incorporated by M., P. & P. S. (HB530-Hogan) (22-Y 0-N)

**Notes:** City Position: Oppose

### **HB 484 Firearms; permits, reporting of sales.**

*Summary as introduced:*

**Reporting of gun sales.** Repeals provisions that require a permit to sell or purchase guns in counties having a density of more than 1,000 persons per square mile. Also repealed are provisions that allow counties to require sellers of guns to furnish the names and addresses of gun purchasers to the circuit court clerk.

*Patrons:* Cole and Black

01/28/04 House: Read third time and passed House (87-Y 9-N)

01/28/04 House: VOTE: PASSAGE (87-Y 9-N)

01/28/04 House: Communicated to Senate

01/29/04 Senate: Constitutional reading dispensed

01/29/04 Senate: Referred to Committee on Local Government

**Notes:** City Position: Oppose

### **HB 507 Protective orders; penalty for violations.**

*Summary as introduced:*

**Violation of provisions of protective orders; penalty.** Provides that the respondent to a protective order who violates the protective order by furtively entering the home of any protected party while the party is present or by entering and remaining in the home of the protected party until the protected party arrives is guilty of a Class 6 felony. The bill also provides that if the respondent to a protective order commits an assault and battery upon any party protected by the protective order resulting in bodily injury to the party, he is guilty of a Class 6 felony. The bill also provides that, upon conviction of a third or subsequent violation of a protective order punishable as a Class 1 misdemeanor offense, the person is guilty of a Class 6 felony.

*Patrons:* Marrs and Albo

01/30/04 House: Reported from C. J. with substitute (21-Y 0-N)

01/30/04 House: Referred to Committee on Appropriations

02/03/04 House: Fiscal impact statement from VCSC (HB507H1)

02/03/04 House: Assigned to App. sub-committee: 8

**Notes:** City Position: Support

### **HB 530 Firearms; control by localities.**

*Summary as introduced:*

**Control of firearms; applicability to authorities and local governmental agencies.** Removes the grandfather clause that allows localities to enforce ordinances governing firearms that were passed before January 1, 1987.

*Patrons:* Hogan, McDonnell and Cole

02/04/04 House: Passed House (82-Y 15-N)

02/04/04 House: VOTE: PASSAGE #2 (82-Y 15-N)

02/04/04 House: Communicated to Senate

02/05/04 Senate: Constitutional reading dispensed

02/05/04 Senate: Referred to Committee for Courts of Justice

**Notes:** City Position: Oppose

### **HB 531 Retail Sales and Use Tax; increased for education and transportation.**

*Summary as introduced:*

**Sales and use tax; increase for education and transportation.** Increases the state portion of the sales and use tax from 3.5 percent to 5.5 percent with (i) one-half of the additional revenues generated to be used solely to fund the Standards of Quality for public education, and (ii) the remaining one-half of such revenues to be deposited into the Transportation Trust Fund and used solely for transportation purposes.

*Patrons:* Stump; Senator: Puckett

01/14/04 House: Referred to Committee on Finance

01/15/04 House: Assigned to Finance sub-committee: 1

02/03/04 House: Fiscal impact statement from TAX (HB531)

02/04/04 House: Passed by indefinitely in Finance (20-Y 1-N)

**Notes:** City Position: Support

### **HB 539 Pedestrians; provisions when crossing a highway.**

*Summary as introduced:*

**Pedestrians.** Requires motorists to stop for pedestrians crossing highways under certain circumstances.

*Patrons:* May and Ebbin

02/04/04 House: Passed by for the day

02/05/04 House: Passed by for the day

02/06/04 House: Read second time

02/06/04 House: Motion to rerefer to committee agreed to

02/06/04 House: Rereferred to Tra.

**Notes:** City Position: Support

**HB 569 Gangs; penalty for recruitment of juveniles for criminal street activity.**

*Summary as introduced:*

**Recruitment of juveniles for criminal street gang; penalty.** Creates a Class 1 misdemeanor to recruit a person into a criminal street gang. The bill also creates a Class 6 felony for forcing a person to become a gang member through the use or threat of force against that person or another person. The same crime against a juvenile is a Class 5 felony.

*Patrons:* Albo and Baskerville

01/14/04 House: Presented & ordered printed, prefiled 01/13/04 040132104

01/14/04 House: Referred to Committee for Courts of Justice

01/16/04 House: Fiscal impact statement from VCSC (HB569)

**Notes:** City Position: Support

**HB 572 Gangs; expands list of predicate criminal acts that define a pattern of criminal activity.**

*Summary as introduced:*

**Crimes by gangs; definitions; penalties.** Includes within the definition of "criminal street gang" the current definition of "pattern of criminal gang activity." The bill eliminates the definition of "act of violence" and expands the scope of the act by amending the definition of "predicate criminal act" to include all felonies and additional misdemeanors such as assault and battery by mob, hazing of a student on school property, reckless handling of firearms, allowing access to firearms by children, oral threats to school employees, stalking, petit larceny, distribution of certain drugs to minors, willful discharge of a firearm in a public place, brandishing a firearm in a public place, carrying a loaded firearm, carrying certain concealed weapons, possession of certain weapons on school property, participation in a riot, unlawful assembly, and disorderly conduct.

*Patrons:* Albo and O'Bannon

02/04/04 House: Committee substitute agreed to 040202204-H1

02/04/04 House: Engrossed by House - committee substitute HB572H1

02/05/04 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/05/04 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/05/04 House: Communicated to Senate

**Notes:** City Position: Support

**HB 656 Assault and battery; penalty when committed against a family or household member.**

*Summary as introduced:*

**Assault and battery against a family or household member; penalty.** Punishes assault and battery against a family or household member with the requirement of mandatory counseling if the assault is committed in the presence of, or is witnessed by, the person's or the victim's minor child, minor stepchild or a minor child residing within the household of the person or victim. The bill also removes that requirement that a third such assault must occur within a 10-year period in order to be charged as a felony.

*Patrons:* Bell, Albo and Byron

02/04/04 House: Printed as engrossed 040920232-E  
02/05/04 House: Fiscal impact statement from VCSC (HB656E)  
02/05/04 House: Read third time and passed House (92-Y 8-N)  
02/05/04 House: VOTE: PASSAGE (92-Y 8-N)  
02/05/04 House: Communicated to Senate  
**Notes:** City Position: Oppose

### **HB 720 Retail Sales and Use Tax; exemptions for certain contractors.**

*Summary as introduced:*

**Sales and use tax; exemption for certain contractors.** Exempts from paying the sales and use tax any person who contracts to perform services for and provides tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity.

*Patron:* Shannon

01/14/04 House: Referred to Committee on Finance  
01/15/04 House: Assigned to Finance sub-committee: 1  
01/28/04 House: Fiscal impact statement from TAX (HB720)  
02/02/04 House: Continued to 2005 in Finance (21-Y 1-N)

**Notes:** City Position: Oppose

### **HB 730 Business, professional and occupational license (BPOL) tax; license fees, rates and requirements.**

*Summary as introduced:*

**Local license fees and taxes.** Requires localities to impose the flat license fees now authorized by current law on all businesses or no businesses, and if such fees are imposed then, in calculating any license tax that is imposed on gross receipts the locality must deduct from such gross receipts the threshold amount of gross receipts on which it imposes the tax.

*Patron:* Joannou

01/14/04 House: Referred to Committee on Finance  
01/15/04 House: Assigned to Finance sub-committee: 2  
01/31/04 House: Fiscal impact statement from TAX (HB730)

**Notes:** City Position: Oppose

### **HB 745 Methadone clinics; licensure notice requirements for provider who treats persons w/opiate addiction.**

*Summary as introduced:*

**Notice of proposals or initial applications for methadone clinics required.** Requires the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to notify the local governing body of the jurisdiction in which a methadone clinic is proposed within 15 days of receiving notice of a proposal or an application to obtain initial licensure to operate such facility. Local governing bodies may submit to the Commissioner comments on the proposals or

applications within 30 days from the date of the notice, including the suitability of the proposed location of the clinic and its conformance with the locality's comprehensive plan and its compliance with relevant local ordinances.

*Patrons:* Ware, O.; Senator: Edwards

02/03/04 House: Read third time and passed House (92-Y 8-N)

02/03/04 House: VOTE: PASSAGE (92-Y 8-N)

02/03/04 House: Communicated to Senate

02/04/04 Senate: Constitutional reading dispensed

02/04/04 Senate: Referred to Committee on Education and Health

**Notes:** City Position: Oppose

### **HB 749 Procurement Act, Public; cooperative procurement with U.S. General Services Administration.**

*Summary as introduced:*

**Public Procurement Act; cooperative procurement U.S. General Services Administration.**

Authorizes public bodies to enter into cooperative procurement agreements with or utilize contracts procured by the U. S. General Services Administration for the purchase of goods and services.

*Patron:* Marshall, R.G.

02/05/04 House: Read second time

02/05/04 House: Committee amendments agreed to

02/05/04 House: Engrossed by House as amended HB749E

02/05/04 House: Printed as engrossed 045110396-E

02/06/04 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

**Notes:** City Position: Support

### **HB 820 Eminent domain; condemnation of lands within adopted conservation or redevelopment plans.**

*Summary as introduced:*

**Rezoning of property that is subject to condemnation proceedings.** Provides that once condemnation proceedings have been initiated by a locality, a locality shall not rezone the subject property without the consent of the property owner. If the subject property has been the object of a downzoning, without the consent of the property owner, within the five years previous to the initiation of the condemnation proceeding, the value of the subject property, for purposes of determining just compensation, shall be based on the previous zoning designation.

*Patron:* Drake

02/04/04 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/04/04 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/04/04 House: Communicated to Senate

02/05/04 Senate: Constitutional reading dispensed

02/05/04 Senate: Referred to Committee for Courts of Justice

**Notes:** City Position: Oppose

**HB 825 Housing Development Authority; financing of certain mixed-income & mixed-use housing developments.**

*Summary as introduced:*

**Virginia Housing Development Authority; financing of certain mixed-income and mixed-use housing developments.** Authorizes the Virginia Housing Development Authority (Authority) to finance mixed-income and mixed-use housing developments in revitalization areas designated by local governments if (i) the surrounding area is predominantly of lower income or (ii) the Authority's ability to provide the low and moderate income housing will be enhanced by having a portion of the units occupied by persons and families who are not of low or moderate income. The bill limits the percentage of persons or families who are not of low and moderate income in any economically mixed project to 80 percent and provides that nonhousing buildings may not be financed by the Authority unless a certification is provided by the housing sponsor that a mortgage loan is not otherwise available from private lenders upon reasonably equivalent terms and conditions.

*Patrons:* Drake, Oder and Suit; Senator: Whipple

02/04/04 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

02/04/04 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

02/04/04 House: Communicated to Senate

02/05/04 Senate: Constitutional reading dispensed

02/05/04 Senate: Referred to Committee on General Laws

**Notes:** City Position: Support

**HB 827 Home ownership; grants by localities for assistance to school board employees.**

*Summary as introduced:*

**Home-ownership assistance.** Allows that a locality may by ordinance provide for the use of funds, other than state funds, for grants and small, low-interest loans to assist employees of the locality or the school board to purchase residences in such locality. The residences shall be the primary residence of any employee receiving such grants or loans.

*Patrons:* Drake, Shannon, Marrs, Oder, Stump and Suit; Senator: Whipple

02/05/04 House: Read second time

02/05/04 House: Amendments by Del. Drake agreed to

02/05/04 House: Engrossed by House - floor substitute w/amds HB827EH2

02/05/04 House: Printed as engrossed 041991296-EH2

02/06/04 House: Read third time and passed House (98-Y 2-N)

**Notes:** City Position: Support

**HB 828 Building Code; inspection and enforcement authority, inspection of elevators.**

*Summary as introduced:*

**Uniform Statewide Building Code; enforcement; inspection of elevators.** Clarifies the inspection authority of local building officials for existing commercial and residential buildings or

structures, including the authority of a local governing body to adopt and enforce an inspection program for residential dwelling units that are rented to tenants pursuant to the Landlord and Tenant Act (§ 55-217 et seq.) or the Virginia Residential Landlord Tenant Act (§ 55-248.2 et seq.). The bill provides that inspection and enforcement shall only be in response to a complaint received, or the visual observation by the local building official or other department designated by the local governing body of the exterior of the building or structure. The real property owner has the right to refuse access to the local building official or other department designated by the local governing body subject to the authority granted in law for the building official or designated department to obtain an inspection warrant. The local governing body shall have no right to require real property owners to register real property with the local governing body or to impose any fee relative to such a registration program. The bill also removes the ability of an agent of a building official to obtain an inspection warrant. The bill contains technical amendments.

*Patron:* Drake

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 041719296

01/14/04 House: Referred to Committee on General Laws

01/19/04 House: Assigned to General Laws sub-committee: 1

**Notes:** City Position: Oppose

### **HB 830 Housing authorities; authorized to carry out work in areas designated as conservation districts.**

*Summary as introduced:*

**Housing authority law; conservation districts.** Authorizes any local governing body or its designated agency to carry out work in deteriorated areas designated as conservation districts upon the adoption of an ordinance by the local governing body, which ordinance includes a conservation plan. The bill also authorizes local governing bodies to identify residential dwelling units that are rented to assist local building officials in enforcing any rental property inspection program adopted by the local governing body. The bill contains technical amendments.

*Patron:* Drake

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 041720296

01/14/04 House: Referred to Committee on General Laws

01/19/04 House: Assigned to General Laws sub-committee: 1

**Notes:** City Position: Oppose

### **HB 838 Tuition, in-state; alien student eligibility.**

*Summary as introduced:*

**In-state tuition for certain alien students.** Provides eligibility for in-state tuition, but not classification as a Virginia resident, upon a showing of clear and convincing evidence that such individual (i) resided in the Commonwealth for five or more years; (ii) received a high school diploma or a general educational development certificate from a public or private high school in the Commonwealth; (iii) registers as an entering student in a public institution of higher education in the Commonwealth not earlier than the 2004-2005 academic year; (iv) submits evidence that he, or in the case of a dependent student at least one parent or person standing in loco parentis, has paid Virginia income taxes for at least one year prior to the date of enrollment; and (v) files an



affidavit with the enrolling public institution of higher education in the Commonwealth stating that the individual will file an application to become a permanent resident within 90 days of the date such individual becomes eligible to do so.

The measure addresses "individuals" rather than a specific class of immigrant or alien students, as the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. § 1623 (a)) provides that an alien "who is not lawfully present in the United States shall not be eligible for ... any post-secondary benefit unless a citizen or national of the United States is eligible for such a benefit...without regard to whether the citizen or national is such a resident."

This measure is similar to legislation enacted in Texas, New York, California, and Utah.

Section 23-7.4 is cross-referenced throughout the Code of Virginia for purposes of defining "domicile," "domiciliary status," "bona fide resident," and other similar terms. The grant of eligibility for in-state tuition provided by this measure does not confer domicile on the alien student; the only other provision referencing students who are granted in-state tuition under this section is § 23-7.4:2, which permits a community college to charge in-state tuition to "[a]ny student from a foreign country who is enrolled in a foreign exchange program approved by the state institution during the same period that an exchange student from the same state institution, who is entitled to in-state tuition pursuant to § 23-7.4, is attending the foreign institution."

A special subcommittee of the House Committee on Education and a special subcommittee of the Senate Committee on Education and Health met three times in 2003 to examine the issues raised by measures addressing in-state tuition for undocumented alien students.

*Patrons:* Ebbin, Brink, Dillard, Eisenberg and Van Landingham; *Senators:* Ticer and Whipple

01/14/04 House: Referred to Committee on Education

01/29/04 House: Fiscal impact statement from DPB (HB838)

02/02/04 House: Tabled in Education (22-Y 0-N)

**Notes:** City Position: Support

## **HB 840 Unemployment compensation; provision for victims of domestic violence or sexual assault.**

*Summary as introduced:*

**Unemployment compensation for victims of domestic violence or sexual assault.** Modifies the unemployment compensation insurance program to facilitate provision of benefits to claimants who are forced to leave employment due to domestic violence or sexual assault by providing that voluntary departure from work as a direct result of domestic violence or sexual assault constitutes "good cause" for leaving employment. Benefits paid to qualifying claimants shall be charged against the pool rather than against the claimant's employer.

*Patron:* Baskerville

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 040509228

01/14/04 House: Referred to Committee on Commerce and Labor

01/29/04 House: Tabled in Commerce and Labor (22-Y 0-N)

**Notes:** City Position: Support

**HB 863 Assault and battery; penalty when committed against a family or household member.**

*Summary as introduced:*

**Third offense assault and battery against a family or household member.** Provides that upon a conviction for assault and battery against a family or household member, when the person has been previously convicted of two offenses of (i) assault and battery against a family or household member, (ii) malicious wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, or (v) an offense similar to any of the above under the law of any other jurisdiction, in any combination, all of which occurred within a period of 10 years, and each of which occurred on a different date, the person is guilty of a Class 6 felony. Currently, the Class 6 felony applies only if the prior convictions were for assault and battery against a family or household member.

*Patrons:* Byron and Albo

01/14/04 House: Referred to Committee for Courts of Justice

01/16/04 House: Fiscal impact statement from VCSC (HB863)

02/02/04 House: Reported from C. J. with amendment (20-Y 1-N)

02/02/04 House: Referred to Committee on Appropriations

02/05/04 House: Assigned to App. sub-committee: 8

**Notes:** City Position: Support

**HB 873 Alert and warning system; localities to establish in event of emergency or disaster.**

*Summary as introduced:*

**Municipalities; alert and warning system.** Requires all municipalities with a population greater than 50,000 to establish an alert and warning system, including outdoor warning sirens, that is capable of disseminating adequate and timely warning to the public in the event of an emergency or threatened disaster. The system must be established by July 1, 2005.

*Patrons:* Van Landingham, Brink and Ebbin; Senator: Ticer

02/04/04 House: Read third time and passed House (92-Y 7-N)

02/04/04 House: VOTE: PASSAGE (92-Y 7-N)

02/04/04 House: Communicated to Senate

02/05/04 Senate: Constitutional reading dispensed

02/05/04 Senate: Referred to Committee on General Laws

**Notes:** City Position: Support

**HB 874 Affordable housing; applicable in Alexandria City.**

*Summary as introduced:*

**Affordable housing.** Adds the City of Alexandria to the list of localities with authority to provide for an affordable housing dwelling unit program under § 15.2-2304.

*Patrons:* Van Landingham, Brink and Ebbin

01/28/04 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)

01/28/04 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)

01/28/04 House: Communicated to Senate  
01/29/04 Senate: Constitutional reading dispensed  
01/29/04 Senate: Referred to Committee on Local Government  
**Notes:** City Position: Support

**HB 886 Cigarettes; tax increased, use for Medicaid Program.**

*Summary as introduced:*

**Cigarette tax.** Increases the state cigarette tax rate from two and one-half cents per pack to 50 cents per pack, and caps local cigarette taxes at the rates in effect on January 1, 2004. The additional revenue generated by the increase in the state tax rate is to be used solely to fund the Virginia Medicaid Program.

*Patron:* Plum

01/14/04 House: Referred to Committee on Finance  
01/15/04 House: Assigned to Finance sub-committee: 2  
01/31/04 House: Fiscal impact statement from TAX (HB886)  
02/04/04 House: Passed by indefinitely in Finance (21-Y 1-N)

**Notes:** City Position: Support

**HB 892 Income tax, state; distribution of individual revenues to localities.**

*Summary as introduced:*

**Income tax; distribution of revenues to localities.** Requires the transfer of one percent of individual income tax revenues to localities in 2004, and the amount increases one percent each year until it reaches a maximum of five percent for 2008 and thereafter. The revenues are distributed to counties and cities as follows: (i) 50 percent based on the relative share of the total state income tax paid by taxpayers filing returns in each locality, (ii) 40 percent based on where wages are earned, and (iii) 10 percent divided equally among all counties and cities.

*Patron:* Sickles

01/14/04 House: Referred to Committee on Finance  
01/15/04 House: Assigned to Finance sub-committee: 2  
01/24/04 House: Fiscal impact statement from TAX (HB892)  
01/28/04 House: Continued to 2005 in Finance (19-Y 2-N)

**Notes:** City Position: Support

**HB 928 Real estate tax; installment payments for seniors.**

*Summary as introduced:*

**Real property taxes; installment payments for seniors.** Allows local governing bodies to provide for installment payments of real property taxes by taxpayers aged 65 and older, without penalty or interest.

*Patrons:* Frederick, Lingamfelter, McQuigg and Parrish

01/14/04 House: Referred to Committee on Finance  
01/20/04 House: Assigned to Finance sub-committee: 1  
01/27/04 House: Fiscal impact statement from TAX (HB928)

**Notes:** City Position: Support

### **HB 1002 Motor vehicles; registration fees, changes formula for distribution of "four for life" fund.**

*Summary as introduced:*

**Distribution of the "four for life" fund.** Revises the formula for distribution of the \$4 per year that is charged and collected for registration of motor vehicles by shifting the funds as follows: a reduction of the amount distributed to the Virginia Association of Volunteer Rescue Squads from two and one-half percent to one and one-half percent; an increase of the amount distributed to the State Department of Health to support various programs, training, and other activities from 13 and one-half percent to 30 percent; an increase in the amount distributed to the Rescue Squad Assistance Fund from 31 and three quarters percent to 32 percent; a reduction of the amount available to the State Department of Health for use in emergency medical services from 27 and one-quarter percent to 10 percent; and an increase of the amount returned by the Comptroller to localities from 25 percent to 26 and one-half percent. The State Department of Health's support activities are expanded to include emergency medical services system development initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; local, regional, and statewide performance contracts for emergency medical services to meet certain objectives set out in statutory law; technology and radio communication enhancements; and improved emergency preparedness and response.

*Patron:* Orrock

01/14/04 House: Referred to Committee on Transportation

01/19/04 House: Assigned to Tra. sub-committee: 1

01/22/04 House: Fiscal impact statement from DPB (HB1002)

02/05/04 House: Committee substitute printed 048215116-H1

02/05/04 House: Reported from Tra. w/sub (22-Y 0-N)

**Notes:** City Position: Support

### **HB 1003 Motor vehicles; registration fees, changes formula for distribution of "four for life" fund.**

*Summary as introduced:*

**Distribution of the "four for life" fund.** Revises the formula for distribution of the \$4 per year that is charged and collected for registration of motor vehicles by shifting the funds as follows: a reduction of the amount distributed to the Virginia Association of Volunteer Rescue Squads from two and one-half percent to one and one-half percent; an increase of the amount distributed to the State Department of Health to support various programs, training, and other activities from 13 and one-half percent to 30 percent; an increase in the amount distributed to the Rescue Squad Assistance Fund from 31 and three quarters percent to 32 percent; a reduction of the amount available to the State Department of Health for use in emergency medical services from 27 and one-quarter percent to 10 percent; and an increase of the amount returned by the Comptroller to localities from 25 percent to 26 and one-half percent. The State Department of Health's support activities are expanded to include emergency medical services system development initiatives, and priorities based on needs identified by the State Emergency Medical Services Advisory Board; local, regional, and statewide performance contracts for emergency medical services to meet certain objectives set out in statutory law; technology and radio communication enhancements;

and improved emergency preparedness and response.

*Patron:* Orrock

01/14/04 House: Referred to Committee on Transportation

01/19/04 House: Assigned to Tra. sub-committee: 1

01/22/04 House: Fiscal impact statement from DPB (HB1003)

02/05/04 House: Stricken from docket by Tra. (22-Y 0-N)

**Notes:** City Position: Support

### **HB 1012 Gangs; presumption against bail, presentence report due to criminal participation.**

*Summary as introduced:*

**Criminal procedure; admission to bail.** Creates a rebuttable presumption against bail for any person who is held in custody when such person is charged with participating in a criminal street gang or the soliciting of a juvenile to participate in a criminal street gang. The bill adds the participation in and the recruitment for a criminal street gang to the list of felonies for which there must be a presentence report unless waived by the court and the defendant and the attorney for the Commonwealth. The bill specifies information regarding gang membership that may be included in the presentence report.

*Patron:* Rust

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 040187104

01/14/04 House: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

### **HB 1013 At-Risk Student Academic Achievement Program and Fund; created.**

*Summary as introduced:*

**At-Risk Student Academic Achievement Program.** Creates the At-Risk Student Academic Achievement Program and Fund, to provide noncompetitive grants to public school divisions to implement programs designed to (i) improve the academic achievement of at-risk public school students on the Standards of Learning assessments; (ii) decrease the rate of dropout among at-risk public school students; and (iii) increase the number of such students obtaining the advanced studies diploma. The amount of grants and required local matching funds shall be determined as provided in the appropriation act.

Funds received through this Program shall be used to supplement, not supplant, any local funds currently provided for at-risk programs within the school division.

*Patrons:* Dillard, Albo, Amundson, BaCote, Baskerville, Black, Bland, Brink, Bryant, Ebbin, Hamilton, Howell, A.T., Hull, Jones, D.C., Landes, May, Petersen, Plum, Reese, Rust, Scott, J.M., Van Landingham, Van Yahres, Ward and Watts; Senators: Blevins, Howell, Locke, Puller, Reynolds, Saslaw and Ticer

01/19/04 House: Assigned to Education sub-committee: 2

02/02/04 House: Fiscal impact statement from DPB (HB1013)

02/02/04 House: Reported from Education with amendment (22-Y 0-N)

02/02/04 House: Referred to Committee on Appropriations

02/03/04 House: Assigned to App. sub-committee: 5

**Notes:** City position: Support, and seek amendments to allow localities to make loans as well as grants.

**HB 1016 Health insurance; coverage for household members.**

*Summary as introduced:*

**Accident and sickness insurance; coverage for household members.** Permits an accident and sickness insurance policy to be extended to include coverage for persons (i) in whom the primary insured has an insurable interest, and (ii) who reside in the same household as the insured. Current law permits coverage to be extended only to a spouse or dependent children of the insured.

*Patrons:* Dillard, Brink, Callahan, Moran, Plum, Suit and Tata; Senator: Ticer

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 040418292

01/14/04 House: Referred to Committee on Commerce and Labor

**Notes:** City Position: Support

**HB 1052 Retail sales and use tax; increased for education.**

*Summary as introduced:*

**Sales and use tax; increase for education.** Increases the state portion of the sales and use tax from 3.5 percent to four percent and requires that the additional revenue generated thereby be used solely (i) to increase public school teachers' salaries to the 2003 national average, (ii) to fully fund the total cost of all preschool programs for at-risk four-year-olds, and (iii) to fund full-time instructional positions in the areas of art, music, and physical education.

*Patron:* Hamilton

01/14/04 House: Referred to Committee on Finance

01/20/04 House: Assigned to Finance sub-committee: 1

02/03/04 House: Fiscal impact statement from TAX (HB1052)

02/04/04 House: Passed by indefinitely in Finance (21-Y 0-N)

**Notes:** City Position: Support

**HB 1104 Constitutional amendment; restoration of civil rights for certain felons.**

*Summary as introduced:*

**Constitutional amendment (voter referendum); restoration of civil rights for certain felons.**

Provides for a referendum at the November 2004 election on approval of an amendment to revise provisions concerning restoration of civil rights. The amendment authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies who meet the conditions prescribed by law. The present Constitution provides for restoration of rights by the Governor. The measure retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law for persons convicted of nonviolent felonies.

*Patron:* Moran

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 044718424

01/14/04 House: Referred to Committee on Privileges and Elections

01/21/04 House: Fiscal impact statement from DPB (HB1104)

**Notes:** City Position: Support

**HB 1113 Transportation operators; limitation on recovery in actions for injury or death.**

*Summary as introduced:*

**Limitation on recovery from public transportation operators.** Limits damages in suits for personal injuries to, or death of, a person caused by a Virginia public transportation operator, that are not otherwise barred by the doctrine of immunity, to \$2 million. The bill defines "public transportation operator" as a political subdivision pursuant to § 15.2-2701 or any other entity, which also (i) provides transportation services to the general public on Virginia's roads; and (ii) is funded in whole or in part by public funds. The bill does not affect any defense of immunity applicable to a public transportation operator.

*Patron:* Weatherholtz

01/14/04 House: Referred to Committee for Courts of Justice

02/02/04 House: Continued to 2005 in Courts of Justice (22-Y 0-N)

**Notes:** City Position: Support

**HB 1122 Business taxes; appeal of local assessments.**

*Summary as introduced:*

**Local business taxes; appeals to court.** Provides that when any taxpayer appeals the assessment of a local business tax to court, the assessing official suspend collection activity while the court retains jurisdiction unless the court determines that collection would be jeopardized by delay.

*Patrons:* Lingamfelter; Senator: Colgan

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 042553380

01/14/04 House: Referred to Committee on Finance

01/20/04 House: Assigned to Finance sub-committee: 1

**Notes:** City Position: Oppose

**HB 1149 Gangs; expands list of predicate criminal acts that define a pattern of criminal activity.**

*Summary as introduced:*

**Predicate crimes by criminal street gangs; penalty.** Expands the list of predicate criminal acts that define a pattern of criminal activity and a criminal street gang to include certain drug sale, distribution, transportation, possession and manufacturing crimes, and brandishing a firearm and recruitment of a juvenile into a street gang.

*Patrons:* McDonnell and Albo

02/02/04 House: Reported from C. J. with substitute (22-Y 0-N)

02/02/04 House: Referred to Committee on Appropriations

02/04/04 House: Fiscal impact statement from VCSC (HB1149H1)

02/05/04 House: Assigned to App. sub-committee: 8

**Notes:** City Position: Support

**HB 1150 Firearms; control by localities.**

*Summary as introduced:*

**Local government; control of firearms and ammunition.** Prohibits a local government from adopting an ordinance governing the storage of firearms or ammunition. Currently, a local government is prohibited from adopting an ordinance governing the purchase, possession, transfer, ownership, carrying, or transporting of firearms or ammunition.

*Patron:* McDonnell

02/04/04 House: Read third time and passed House (89-Y 11-N)

02/04/04 House: VOTE: PASSAGE (89-Y 11-N)

02/04/04 House: Communicated to Senate

02/05/04 Senate: Constitutional reading dispensed

02/05/04 Senate: Referred to Committee on Local Government

**Notes:** City Position: Oppose

**HB 1188 Retail Sales & Use Tax; exemptions incl. tang. persl. prop. or serv. acquired through Internet.**

*Summary as introduced:*

**Sales and use tax; Internet.** Exempts from the sales and use tax any tangible personal property or service acquired through the use of the Internet.

*Patron:* Frederick

01/14/04 House: Referred to Committee on Finance

01/20/04 House: Assigned to Finance sub-committee: 1

02/03/04 House: Fiscal impact statement from TAX (HB1188)

02/04/04 House: Passed by indefinitely in Finance (21-Y 1-N)

**Notes:** City Position: Oppose

**HB 1195 Emergency management; local emergency operations plans.**

*Summary as introduced:*

**Local emergency operations plans.** Requires localities and interjurisdictional emergency management agencies to include written agreements with relevant public or private entities in their emergency operations plan in order to facilitate the effective, safe and efficient coordination of efforts during governor-declared states of emergency. Such agreements shall be made with, but are not limited to, the Virginia Department of Transportation, and owners or operators of electricity, gas, sewer and water facilities serving the locality or interjurisdictional area. The agreements shall include, but are not limited to, the designation of a contact person available on a 24-hour basis, specified times when the public or private entity must have an employee or agent at the local or interjurisdictional emergency operations center, mutual arrangements regarding work to be done in close proximity to high voltage power lines, and other duties and responsibilities of all parties to such agreements. The bill also requires all political subdivisions to annually update their emergency operations plan.

*Patrons:* Scott, J.M., Callahan and Hull; Senators: Ticer and Whipple

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 043115500

01/14/04 House: Referred to Committee on Militia, Police and Public Safety



**Notes:** City Position: Support

**HB 1198 Public water supplies; emergency plans for safe handling during any extended power outage.**

*Summary as introduced:*

**Emergency plans for the safe handling of community public water supplies during any extended power outage.** Authorizes the Board of Health to promulgate requirements and criteria for the development and maintenance of an emergency management plan for each community public water supply for the provision of pure water during any extended power outage.

*Patron:* Jones, D.C.

01/30/04 House: Read third time and passed House (90-Y 8-N)

01/30/04 House: VOTE: PASSAGE (90-Y 8-N)

01/30/04 House: Communicated to Senate

02/02/04 Senate: Constitutional reading dispensed

02/02/04 Senate: Referred to Committee on Education and Health

**Notes:** City Position: Support

**HB 1201 Procurement of nonprofessional services; regulations for outsourcing.**

*Summary as introduced:*

**Division of Purchases and Supply; regulations related to outsourcing.** Requires the Division of Purchases and Supply to adopt regulations that establish the conditions under which a public body shall use, as a basis for the procurement of nonprofessional services, the commercial activities list developed by the Commonwealth Competition Council established pursuant to § 2.2-2621.

*Patrons:* Cline, Albo, Cosgrove, Frederick, Lingamfelter, Saxman, Sickles, Weatherholtz and Wright

01/14/04 House: Referred to Committee on General Laws

01/19/04 House: Assigned to General Laws sub-committee: 2

01/23/04 House: Fiscal impact statement from DPB (HB1201)

**Notes:** City Position: Oppose

**HB 1211 Community development authorities; issuance of revenue bonds.**

*Summary as introduced:*

**Community development authorities.** Provides that the revenue bonds issued by a development authority shall not be deemed to constitute a debt, liability, or obligation of a political subdivision and shall not impact upon the debt capacity of any other political subdivision.

*Patron:* Hall

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 041949312

01/14/04 House: Referred to Committee on Counties, Cities and Towns

**Notes:** City Position: Oppose

**HB 1232 Protective orders; penalty for violations.**

*Summary as introduced:*

**Enticement to violate protective order.** Provides that any person, including any party protected under the protective order, who entices another to violate a protective order, is guilty of a Class 1 misdemeanor.

*Patron:* Griffith

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 047790308

01/14/04 House: Referred to Committee for Courts of Justice

01/23/04 House: Fiscal impact statement from DPB (HB1232)

**Notes:** City Position: Oppose

**HB 1233 Domestic violence, sexual assault and stalking; training of personnel to handle.**

*Summary as introduced:*

**Domestic violence; sexual assault.** Requires the Department of Criminal Justice Services to establish training standards and a model policy for law-enforcement personnel in handling sexual assault and stalking cases and to establish training standards and model policy and protocols for local and regional sexual assault response teams. Provides that temporary (no more than 90 days) child support may be one of the conditions imposed on a respondent in a family abuse protective order. The bill requires that as of January 1, 2005, the treatment or education program that a court may refer the defendant to in a family abuse criminal case must be one approved by the Department of Criminal Justice Services. The bill requires the state police and local law-enforcement agencies to have policies that provide guidance to officers on domestic violence incidents involving law-enforcement officers and repeat offenders. The Department of Social Services is required to establish minimum training requirements on family abuse and domestic violence for child protective services workers and supervisors.

The bill also provides that a respondent to a protective order who violates the protective order by furtively entering the home of any protected party while the party is present or entering and remaining in the home of the protected party until the protected party arrives is guilty of a Class 6 felony. In addition, if the respondent to a protective order commits an assault and battery upon any party protected by the protective order resulting in bodily injury to the party, he is guilty of a Class 6 felony. Upon conviction of a third or subsequent offense of violation of a protective order the person is guilty of a Class 6 felony.

*Patrons:* Griffith, Albo and O'Bannon

01/30/04 House: Reported from C. J. with substitute (21-Y 0-N)

01/30/04 House: Referred to Committee on Appropriations

02/03/04 House: Fiscal impact statement from VCSC (HB1233H1)

02/03/04 House: Assigned to App. sub-committee: 8

**Notes:** City Position: Support

**HB 1234 Domestic Violence Victim Fund; created.**

*Summary as introduced:*

**Virginia Domestic Violence Victim Fund.** Creates the Virginia Domestic Violence Victim

Fund. The Fund is to be administered by the Department of Criminal Justice Services, and the resources used to support the prosecution of domestic violence cases and victim services. The Fund shall be supported by dedication of a portion of court fees and a set-aside of \$10 from the \$20 tax on marriage licenses.

*Patron:* Griffith

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 040871104

01/14/04 House: Referred to Committee for Courts of Justice

**Notes:** City Position: Oppose

### **HB 1270 Retail Sales and Use Tax; increase for education, creates At-Risk Student Academic Achievement Fund.**

*Summary as introduced:*

**Sales and use tax; increase for education.** Increases the state portion of the sales and use tax from 3.5 percent to four percent for public school education, with one-half of the additional revenues generated thereby deposited into the At-Risk Student Academic Achievement Fund created by the bill, and the remaining one-half distributed to localities based on a set per pupil amount, based on the latest actual adjusted average daily membership, and used solely for public school capital projects. The At-Risk Student Academic Achievement Fund is to be used to provide noncompetitive grants to public school divisions to implement programs designed to (i) improve the academic achievement of at-risk public school students on the Standards of Learning assessments; (ii) decrease the rate of dropout among at-risk public school students; and (iii) increase the number of such students obtaining the advanced studies diploma.

*Patron:* Dillard

01/16/04 House: Referred to Committee on Finance

01/20/04 House: Assigned to Finance sub-committee: 1

02/03/04 House: Fiscal impact statement from TAX (HB1270)

02/04/04 House: Passed by indefinitely in Finance (20-Y 1-N)

**Notes:** City Position: Support

### **HB 1286 Retail Sales and Use Tax; increased for education.**

*Summary as introduced:***Sales and use tax; increase for education.** Increases the state portion of the sales and use tax from 3.5 percent to 4.5 percent with (i) one-half of the additional revenues generated to be distributed among all counties and cities based upon point of sale and used solely for public school purposes and (ii) the remaining one-half of such revenues to be appropriated by the General Assembly for higher education.

*Patron:* Shuler

01/19/04 House: Referred to Committee on Finance

01/20/04 House: Assigned to Finance sub-committee: 1

02/03/04 House: Fiscal impact statement from TAX (HB1286)

02/04/04 House: Passed by indefinitely in Finance (19-Y 2-N)

**Notes:** City Position: Support

**HB 1317 Protective orders; when hearing held following issuance.**

*Summary as introduced:*

**Hearing on preliminary protective orders.** Provides that the hearing following issuance of a preliminary protective order shall be held within five days of the issuance of the preliminary order rather than the current 15 days.

*Patron:* Louderback

01/20/04 House: Presented & ordered printed 040808384

01/20/04 House: Referred to Committee for Courts of Justice

**Notes:** City Position: Oppose

**HB 1329 Electric generating facilities; to meet emissions reductions in severe nonattainment areas.**

*Summary as introduced:*

**Severe nonattainment areas.** Directs any electric generating facility in a severe nonattainment area to meet the following emission reduction requirements no later than January 1, 2007: (i) reduce aggregate sulfur dioxide emissions by at least 75 percent from levels allowed under full implementation of the federal Clean Air Act Phase II sulfur dioxide requirements, and (ii) reduce aggregate nitrogen oxide emissions by at least 75 percent from the facility's 1997 levels. Also, this bill prohibits any electric generating facility from operating after January 1, 2007. The bill exempts any electric generating plant that has entered into a settlement agreement or consent degree with the Environmental Protection Agency prior to January 1, 2004, for the reduction of certain emissions.

*Patrons:* Reese and Marshall, R.G.

01/21/04 House: Presented & ordered printed 040436396

01/21/04 House: Referred to Committee on Agr., Chesapeake & Natural Res.

02/02/04 House: Fiscal impact statement from DEQ (HB1329)

**Notes:** City Position: Support

**HB 1421 Tort claims; notice to cities and towns.**

*Summary as introduced:*

**Tort claims; notice to cities and towns.** Repeals the specific requirements for notifying cities and towns of tort claims against them.

*Patrons:* Stump and Armstrong

01/23/04 House: Presented & ordered printed 047350216

01/23/04 House: Referred to Committee for Courts of Justice

**Notes:** City Position: Oppose

**HB 1472 Clean Smokestack Act; created to reduce emissions, report.**

*Summary as introduced:*

**Air emissions reductions.** Establishes a schedule by which investor-owned public utilities that own or operate coal-fired generating units are required to reduce by specific amounts their emissions of oxides of nitrogen, sulfur dioxide and mercury. The utilities are to determine what

technologies will be used to achieve the emission limits established by the bill. Any permit issued by the Air Pollution Control Board for a coal-fired generating unit, which is subject to this new law, will have to provide for testing, monitoring, recordkeeping and reporting to assure compliance with the reduction requirements. The bill also authorizes the Governor to enter into agreements with the utilities to transfer to the state any emissions allowance that may be acquired by the utilities under federal law. The Department of Environmental Quality and the State Corporation Commission (SCC) are to report annually to the status of the emissions reduction and cost recovery efforts to the committees having jurisdiction over the subject matter. In addition, the Department of Environmental Quality is required to conduct an ongoing analysis of the issues related to the development and implementation of standards and plans to control carbon dioxide (CO<sub>2</sub>) from coal-fired generating units. The Department is also to evaluate available control technologies and perform a cost-benefit analysis of alternative strategies to reduce emissions of CO<sub>2</sub>, and report its findings to the committees with jurisdiction over the subject matter. Finally, the bill authorizes the SCC to adjust the rate caps established by the Electric Utility Restructuring Act to account for the environmental compliance costs incurred by the utilities in carrying out the provisions of the Clean Smokestack Act.

*Patrons:* Reid, Brink, Eisenberg, Hamilton, Janis, Jones, S.C., Landes, May, Morgan, O'Bannon, Plum, Pollard, Reese, Sickles and Van Landingham; *Senator:* Ticer

01/23/04 House: Presented & ordered printed 043858488

01/23/04 House: Referred to Committee on Agr., Chesapeake & Natural Res.

01/30/04 House: Fiscal impact statement from DEQ (HB1472)

**Notes:** City Position: Support

## **HJ 204 Constitutional amendment ; restoration of civil rights for nonviolent felons (second reference).**

*Summary as introduced:*

**Constitutional amendment (second resolution); restoration of civil rights for certain felons.**

Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies who meet the conditions prescribed by law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law for persons convicted of nonviolent felonies.

*Patron:* Moran

01/14/04 House: Presented & ordered printed, prefiled 01/14/04 044717424

01/14/04 House: Referred to Committee on Privileges and Elections

**Notes:** City Position: Support

## **SB 20 School Construction Grant Act of 2004; created.**

*Summary as introduced:*

**Virginia Public School Authority; School Construction Grant Act of 2004.** Authorizes the Virginia Public School Authority to issue bonds to fund grants to local school divisions in the total amount of \$1 billion to pay the costs of school construction, school renovation, and other school infrastructure projects. The schedule for the issuance of the bonds and the payment of the

debt service on them shall be as provided in the general appropriation act, with the payment of debt service to be made from general funds. One-half of the grants (\$500 million) shall be distributed to each school division in an equal amount of \$3,676,471. The remaining one-half shall be distributed to each local school division on a set per pupil amount based on each school division's actual September 30, 2003, fall membership data as a proportion of total actual September 30, 2003, fall membership data for all school divisions. In implementing this bill, the Virginia Public School Authority shall not incur more than a total of \$250 million in debt in any fiscal year.

*Patron:* Puller

01/14/04 Senate: Referred to Committee on Education and Health

02/05/04 Senate: Fiscal impact statement from DPB (SB20)

02/05/04 Senate: Reported from Ed. & H. with substitute (15-Y 0-N)

02/05/04 Senate: Rereferred to Finance

02/05/04 Senate: Committee substitute printed 041461796-S1

**Notes:** City Position: Support

### **SB 48 Firearms; criminal history records check required to obtain from firearms show vendor.**

*Summary as introduced:*

**Transfer of firearms; criminal records check.** Adds a definition of "firearms show vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check.

*Patron:* Marsh

02/05/04 Senate: VOTE: CONST. RDG. DISPENSED R (40-Y 0-N)

02/06/04 Senate: Read second time

02/06/04 Senate: Reading of amendment waived

02/06/04 Senate: Committee amendment agreed to

02/06/04 Senate: Engrossed by Senate as amended SB48E

**Notes:** City Position: Support

### **SB 92 Traffic signals; use of photo-monitoring systems in any locality.**

*Summary as introduced:*

**Photo-monitoring systems to enforce traffic light signals.** Expands photo-monitoring systems for traffic signal enforcement to all of Virginia instead of specified localities.

*Patron:* Devolites

01/29/04 Senate: VOTE: PASSAGE (28-Y 11-N)

01/29/04 Senate: Communicated to House

01/30/04 House: Placed on Calendar

01/30/04 House: Read first time

01/30/04 House: Referred to Committee on Transportation

**Notes:** City Position: Support

**SB 101 Pedestrians; provisions when crossing a highway.**

*Summary as introduced:*

**Pedestrians.** Requires motorists to stop for pedestrians crossing highways under certain circumstances.

*Patron:* Devolites

01/14/04 Senate: Presented & ordered printed, prefiled 01/06/04 046677726

01/14/04 Senate: Referred to Committee on Transportation

02/05/04 Senate: Reported from Transportation w/sub (15-Y 0-N)

02/06/04 Senate: Committee substitute printed 048248726-S1

**Notes:** City Position: Support

**SB 134 Methadone clinics; licensure notice requirements for provider who treats persons w/opiate addiction.**

*Summary as introduced:*

**Notice of proposals or initial applications for methadone clinics required.** Requires the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to notify the local governing body of the jurisdiction in which a methadone clinic is proposed within 15 days of receiving notice of a proposal or an application to obtain initial licensure to operate such facility. Local governing bodies may submit to the Commissioner comments on the proposals or applications within 30 days from the date of the notice, including the suitability of the proposed location of the clinic and its conformance with the locality's comprehensive plan and its compliance with relevant local ordinances.

*Patrons:* Edwards; Delegates: Fralin and Ware, O.

02/03/04 Senate: VOTE: PASSAGE R (40-Y 0-N)

02/03/04 Senate: Communicated to House

02/05/04 House: Placed on Calendar

02/05/04 House: Read first time

02/05/04 House: Referred to Committee on Health, Welfare and Institutions

**Notes:** City position: Oppose

**SB 140 Real estate tax; limitation on tax rate.**

*Summary as introduced:*

**Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a five percent increase in the total real estate tax levies for a county, city or town, with one exception. The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with one exception. The exception would allow a locality to multiply its current rate by the sum of (i) the rate of the population growth, plus (ii) the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed five percent. However, some taxpayers could be above the average while others could fall below the average. Under current law, (a) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped,

provided the locality holds a public hearing in regard to its real property tax rate; and (b) there is no cap on real property tax rates.

*Patrons:* Cuccinelli and Bolling

01/14/04 Senate: Presented & ordered printed, prefiled 01/12/04 042922720

01/14/04 Senate: Referred to Committee on Finance

01/26/04 Senate: Fiscal impact statement from TAX (SB140)

**Notes:** City Position: Oppose

### **SB 176 Traffic signals; abolishes sunset on use of photo-monitoring systems.**

*Summary as introduced:*

**Use of photo-monitoring systems to enforce traffic light signals.** Provides that no locality may begin operation of a traffic light photo-monitoring system after June 30, 2005. The bill eliminates the expiration of the test program (July 1, 2005) and effectively allows those localities with it already in place at that time to continue it.

*Patron:* Stolle

01/28/04 Senate: VOTE: PASSAGE (28-Y 10-N)

01/28/04 Senate: Communicated to House

01/30/04 House: Placed on Calendar

01/30/04 House: Read first time

01/30/04 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Support

### **SB 236 Domestic violence, sexual assault and stalking; training of personnel to handle.**

*Summary as introduced:*

**Domestic violence; sexual assault.** Requires the Department of Criminal Justice Services to establish training standards and a model policy for law-enforcement personnel in handling sexual assault and stalking cases and to establish training standards and model policy and protocols for local and regional sexual assault response teams. Provides that temporary (no more than 90 days) child support may be one of the conditions imposed on a respondent in a family abuse protective order. The bill requires that as of January 1, 2005, the treatment or education program that a court may refer the defendant to in a family abuse criminal case must be one approved by the Department of Criminal Justice Services. The bill requires the state police and local law-enforcement agencies to have policies that provide guidance to officers on domestic violence incidents involving law-enforcement officers and repeat offenders. The Department of Social Services is required to establish minimum training requirements on family abuse and domestic violence for child protective services workers and supervisors.

The bill also provides that a respondent to a protective order who violates the protective order by furtively entering the home of any protected party while the party is present or entering and remaining in the home of the protected party until the protected party arrives is guilty of a Class 6 felony. In addition, if the respondent to a protective order commits an assault and battery upon any party protected by the protective order resulting in bodily injury to the party, he is guilty of a Class 6 felony. Upon conviction of a third or subsequent offense of violation of a protective order



the person is guilty of a Class 6 felony.

*Patron:* Norment

02/06/04 Senate: Reading of substitute waived

02/06/04 Senate: Committee substitute rejected

02/06/04 Senate: Reading of substitute waived

02/06/04 Senate: Committee substitute agreed to 040979780-S2

02/06/04 Senate: Engrossed by Senate - committee substitute SB236S2

**Notes:** City Position: Support

### **SB 237 Domestic Violence Victim Fund; created.**

*Summary as introduced:*

**Virginia Domestic Violence Victim Fund.** Creates the Virginia Domestic Violence Victim Fund. The Fund is to be administered by the Department of Criminal Justice Services, and the resources used to support the prosecution of domestic violence cases and victim services. The Fund shall be supported by dedication of a portion of court fees and a set-aside of \$10 from the \$20 tax on marriage licenses.

*Patron:* Norment

02/06/04 Senate: Reading of amendment waived

02/06/04 Senate: Committee (Courts) amendment agreed to

02/06/04 Senate: Reading of amendments waived

02/06/04 Senate: Committee (Finance) amendments agreed to

02/06/04 Senate: Engrossed by Senate as amended SB237E

**Notes:** City Position: Oppose

### **SB 284 Line of Duty Act; funding of continued health insurance and death payment benefits thereunder.**

*Summary as introduced:*

**Relating to the Line of Duty Act.** Transfers responsibility for financing benefits from the state to localities.

*Patron:* Wampler

01/14/04 Senate: Referred to Committee on Finance

02/02/04 Senate: Fiscal impact statement from VRS (SB284)

02/03/04 Senate: Fiscal impact review from JLARC (SB284)

**Notes:** City Position: Oppose

### **SB 290 Living wage provisions; no local governing body may establish without approval of Gen. Assembly.**

*Summary as introduced:*

**Local "living wage" provisions.** Provides that no local governing body may establish "living wage" provisions without approval of the General Assembly. Any "living wage" ordinance previously adopted by a local governing body that did not receive the approval of the General Assembly shall be considered void.

*Patrons:* O'Brien and Bolling

01/14/04 Senate: Presented & ordered printed, prefiled 01/14/04 047619784

01/14/04 Senate: Referred to Committee on Rules

**Notes:** City Position: Oppose

### **SB 302 Procurement Act, Public; cooperative procurement with U.S. General Services Administration.**

*Summary as introduced:*

**Public Procurement Act; cooperative procurement.** Provides that a public body may purchase from a U.S. General Services Administration contract or a contract accepted by any other agency of the federal government for the procurement of goods and nonprofessional services. If the contract includes terms and conditions that are inconsistent with the Virginia Public Procurement Act, a public body may accept such terms and conditions only upon a written determination by the public body that acceptance of the contract is in the public interest.

*Patron:* O'Brien

02/03/04 Senate: VOTE: PASSAGE R (40-Y 0-N)

02/03/04 Senate: Communicated to House

02/05/04 House: Placed on Calendar

02/05/04 House: Read first time

02/05/04 House: Referred to Committee on General Laws

**Notes:** City Position: Support

### **SB 312 Methadone clinics; licensure conditions for certain.**

*Summary as introduced:*

**Licensure conditions for certain methadone clinics.** Prohibits the granting of an initial license to a facility for the provision of detoxification, treatment or rehabilitation of drug addicts through the use of the controlled substance, methadone, or other such controlled substances, if such facility is to be located within one-half mile of a public or private K-12 school. In addition, the Commissioner is required to notify the local governing body of the jurisdiction in which such facility is to be located within 15 days of receiving notice of a proposal or an application to obtain initial licensure for methadone clinics. The local governing body may submit comments on the proposal or application that may include its compliance with this provision and applicable local ordinances. Existing clinics, i.e., licensed and operating in accordance with the law and regulations in effect on January 1, 2004, are grandfathered. Three enactment clauses provide that: (i) the Board of Mental Health, Mental Retardation and Substance Abuse Services must promulgate emergency regulations; and (ii) the Commissioner must not grant or issue any initial license for a methadone clinic after the date of the enactment of this provision, unless the facility is in compliance with these provisions, notwithstanding any regulations to the contrary.

*Patron:* Bell

01/14/04 Senate: Referred to Committee on Education and Health

01/16/04 Senate: Fiscal impact statement from DPB (SB312)

01/29/04 Senate: Incorporated by E. H. (SB607-Wampler) (12-Y 2-N)

**Notes:** City Position: Oppose

**SB 359 Referenda; local distribution of information.**

*Summary as introduced:*

**Distribution of information on local referenda.** Allows local governing bodies to disseminate neutral explanations of pending local referenda by any means, not just by publication or printing. The bill deletes the limitation on the length of the explanation to 500 or fewer words.

*Patrons:* Colgan and Puller; *Delegates:* Marshall, R.G., McQuigg and Parrish

02/02/04 Senate: VOTE: PASSAGE R (40-Y 0-N)

02/02/04 Senate: Communicated to House

02/03/04 House: Placed on Calendar

02/03/04 House: Read first time

02/03/04 House: Referred to Committee on Privileges and Elections

**Notes:** City Position: Support

**SB 361 Real estate tax; allows No. Va. increase amount of income for elderly or disabled prior reduced imp.**

*Summary as introduced:*

**Real property tax; exemptions for elderly and handicapped.** Permits northern Virginia localities to increase the income and financial worth limitations used to determine whether certain elderly or handicapped persons are eligible for exemption from or deferral of real property tax.

*Patrons:* Colgan, O'Brien and Puller; *Delegates:* Frederick, Lingamfelter, Marshall, R.G., McQuigg and Parrish

01/30/04 Senate: VOTE: PASSAGE R (40-Y 0-N)

01/30/04 Senate: Communicated to House

02/03/04 House: Placed on Calendar

02/03/04 House: Read first time

02/03/04 House: Referred to Committee on Finance

**Notes:** City Position: Support

**SB 428 Minimum wage; public bodies prohibited from requiring payment that exceeds minimum standards.**

*Summary as introduced:*

**Minimum wage.** Provides that no public body may require the payment of a minimum wage that exceeds the federal minimum wage to the employees of an employer, or his subcontractor, contracting to provide goods or services to the public body.

*Patrons:* Wagner; *Delegate:* Nixon

01/14/04 Senate: Presented & ordered printed, prefiled 01/14/04 047731832

01/14/04 Senate: Referred to Committee on Commerce and Labor

**Notes:** City Position: Oppose

**SB 451 Pedestrians; provisions when crossing a highway.**

*Summary as introduced:*

**Pedestrians.** Requires motorists to stop for pedestrians crossing highways under certain

circumstances.

*Patron:* Whipple

01/28/04 Senate: VOTE: PASSAGE R (38-Y 0-N)

01/28/04 Senate: Communicated to House

01/30/04 House: Placed on Calendar

01/30/04 House: Read first time

01/30/04 House: Referred to Committee on Transportation

**Notes:** City Position: Support

### **SB 458 Motor fuels tax; additional imposition in Northern Virginia transportation district.**

*Summary as introduced:*

**Sales tax on motor fuels.** Increases from two to four percent the sales tax on fuels in every county or city situated in the Northern Virginia Transportation District.

*Patrons:* Whipple, Colgan, Howell, Puller and Ticer; *Delegates:* Ebbin, Eisenberg, Hull, Plum, Van Landingham and Watts

01/14/04 Senate: Presented & ordered printed, prefiled 01/14/04 042960844

01/14/04 Senate: Referred to Committee on Finance

01/28/04 Senate: Fiscal impact statement from TAX (SB458)

**Notes:** City Position: Support

### **SB 472 Charter; City of Alexandria.**

*Summary as introduced:*

**Charter; City of Alexandria.** Makes several changes including (i) authority to provide grants or loans to employees to purchase or rent residences within the City, (ii) provisions allowing any person who suffers personal injury or property damage caused by the violation of a local human rights ordinance to bring a court action against the alleged violator for damages, (iii) authority to add a cost-of-living increase for council salaries, (iv) grandfathering of city ordinances that may not have complied with general law, so long as the action was in compliance with the then applicable local law, and (v) clarifying that certain local procedures preempt provisions of general law.

*Patrons:* Ticer, Puller and Saslaw; *Delegates:* Amundson, Ebbin, Scott, J.M. and Van Landingham

02/04/04 Senate: VOTE: PASSAGE (33-Y 7-N)

02/04/04 Senate: Communicated to House

02/05/04 House: Placed on Calendar

02/05/04 House: Read first time

02/05/04 House: Referred to Committee on Counties, Cities and Towns

**Notes:** City Position: Support

**SB 473 Hate crimes; includes sexual orientation in list that a person may seek injunctive relief.**

*Summary as introduced:*

**Hate crimes.** Adds sexual orientation to the categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also adds sexual orientation to the categories of victims whose intentional selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor to a Class 6 felony penalty. The bill also adds sexual orientation to the definition of "hate crime" for purposes of a central repository of information regarding hate crimes maintained by the State Police.

*Patrons:* Ticer, Howell and Puller; *Delegates:* Amundson, Dillard, Plum and Scott, J.M.

01/14/04 Senate: Referred to Committee for Courts of Justice

01/18/04 Senate: Fiscal impact statement from VCSC (SB473)

01/21/04 Senate: Passed by indefinitely in C. J. (8-Y 7-N)

**Notes:** City Position: Support

**SB 479 Standards of Quality in public schools; changes in provisions.**

*Summary as introduced:*

**Standards of Quality.** Reorganizes the Standards of Quality and makes substantive amendments that would (i) increase from one half-time to one full-time principal in elementary schools with fewer than 300 students; (ii) provide one full-time assistant principal for each 400 students in each school, regardless of grade level; (iii) require five elementary resource positions per 1,000 students in kindergarten through grade five for art, music, and physical education; (iv) lower the pupil-teacher ratio from 25:1 to 21:1 in middle and high schools, to ensure the provision of scheduled teacher planning time; (v) reduce the required speech pathologist caseload from 68 to 60 students; (vi) require one full-time reading specialist for each 1,000 students in average daily membership; (vii) require two technology support positions per 1,000 students in kindergarten through grade 12 divisionwide; and (viii) modify the current funding mechanism for remediation. A second enactment clause provides that the amendments requiring additional state funding (such as increasing principals or lowering pupil-teacher ratios) will not become effective unless funded in the 2004 appropriation act.

The measure also includes a number of technical and editorial changes.

The Board of Education proposed and approved these changes on June 25, 2003. Because the Virginia Constitution grants the General Assembly "ultimate authority" over educational policy and provides that the Standards are to be "prescribed from time to time by the Board of Education" but are subject to revision "only by the General Assembly," legislation is necessary to enact the Board's proposals.

*Patron:* Potts

01/14/04 Senate: Referred to Committee on Education and Health

01/23/04 Senate: Fiscal impact statement from DPB (SB479)

01/29/04 Senate: Reported from Education and Health (14-Y 0-N)

01/29/04 Senate: Rereferred to Finance

**Notes:** City Position: Support

**SB 492 Gangs; presumption against bail, presentence report due to criminal participation.**

*Summary as introduced:*

**Criminal procedure; admission to bail.** Creates a rebuttable presumption against bail for any person who is held in custody when such person is charged with participating in a criminal street gang or the soliciting of a juvenile to participate in a criminal street gang. The bill adds the participation in and the recruitment for a criminal street gang to the list of felonies for which there must be a presentence report unless waived by the court and the defendant and the attorney for the Commonwealth. The bill specifies information regarding gang membership that may be included in the presentence report.

*Patron:* Mims

02/04/04 Senate: Reported from Finance (15-Y 0-N)

02/05/04 Senate: Constitutional reading dispensed (40-Y 0-N)

02/05/04 Senate: VOTE: CONST. RDG. DISPENSED R (40-Y 0-N)

02/06/04 Senate: Read second time and engrossed

**Notes:** City Position: Support

**SB 525 Procurement Act, Public; raises limit on design-build construction management contracts.**

*Summary as introduced:*

**Virginia Public Procurement Act; design-build construction management contracts.** Raises the limit on design-build construction contracts from \$500,000 to \$1 million. The bill also removes the requirement that all design build contracts be reviewed and approved by the Design-Build/Construction Management Review Board.

*Patrons:* Hanger and Reynolds

02/03/04 Senate: Read third time and passed Senate (40-Y 0-N)

02/03/04 Senate: VOTE: PASSAGE R (40-Y 0-N)

02/05/04 House: Placed on Calendar

02/05/04 House: Read first time

02/05/04 House: Referred to Committee on General Laws

**Notes:** City Position: Support

**SB 550 Family abuse; determination of predominate physical aggressor.**

*Summary as introduced:*

**Family abuse.** Changes the term primary physical aggressor to predominate physical aggressor in section that requires arrest in most family abuse cases when the law-enforcement officer has probable cause to believe that family assault or violation of a protective order occurred. The officer is required to arrest and take into custody the person he has probable cause to believe, based on the totality of the circumstances, was the primary (now predominant) physical aggressor (unless there are special circumstances that would dictate a course of action other than an arrest). The bill sets standards for determining who is the predominate physical aggressor. This bill is a recommendation of the Family Violence Subcommittee of the Virginia State Crime Commission.

*Patrons:* Howell, Norment and Stolle; *Delegates:* Albo, Kilgore, McDonnell and Moran

02/03/04 Senate: VOTE: PASSAGE (39-Y 1-N)

02/03/04 Senate: Communicated to House

02/05/04 House: Placed on Calendar

02/05/04 House: Read first time

02/05/04 House: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

### **SB 551 Protective orders; distribution of information by court service units.**

*Summary as introduced:*

**Court service units; duties; distribution of protective order information.** Requires each court service unit to provide to each person who is issued a protective order by the juvenile court a written statement of the conditions imposed by the order and procedures and time limits applicable to further proceedings on protective orders.

*Patrons:* Howell, Norment and Stolle; *Delegates:* Albo, Kilgore, McDonnell and Moran

02/04/04 Senate: Reported from Courts of Justice w/sub (14-Y 0-N)

02/05/04 Senate: Committee substitute printed 040960744-S1

02/06/04 Senate: Constitutional reading dispensed (40-Y 0-N)

02/06/04 Senate: VOTE: CONST. RDG. DISPENSED R (40-Y 0-N)

**Notes:** City Position: Support

### **SB 562 Freedom of Information Act; exempts certain information furnished to local internal auditors.**

*Summary as introduced:*

**Freedom of Information Act; record exemption; investigations of local auditors.** Expands the current record exemption for investigative notes, correspondence and information furnished in confidence to certain state auditors to the same records of designated internal auditors of any school board or local governing body, including committees established pursuant to § 15.2-825, responsible for auditing or examining the financial transactions of any officer, department or program of such body.

*Patrons:* Lambert, Marsh, Stosch and Watkins; *Delegates:* Baskerville, Hall, Jones, D.C., Miles and O'Bannon

01/14/04 Senate: Referred to Committee on General Laws

02/04/04 Senate: Reported from General Laws with amds (15-Y 0-N)

02/06/04 Senate: Constitutional reading dispensed (40-Y 0-N)

02/06/04 Senate: VOTE: CONST. RDG. DISPENSED R (40-Y 0-N)

**Notes:** City Position: Support

### **SB 607 Methadone clinics; licens. conditions for certain designed for treatment of persons w/opiate addict.**

*Summary as introduced:*

**Licensure conditions for certain methadone clinics; emergency.** Prohibits the granting of an

initial license to a facility for the provision of detoxification, treatment or rehabilitation of drug addicts through the use of the controlled substance, methadone, or other such controlled substances, if such facility is to be located within a one-half mile of a public or private day care center or K-12 school. In addition, the Commissioner is required to notify the local governing body of and the community services board serving the jurisdiction in which such facility is to be located within 15 days of receiving notice of a proposal or an application to obtain initial licensure for methadone clinics. The local governing body and the community services board may submit comments on the proposal or application. The local governing body must notify the Commissioner within 30 days of the date of the notice concerning the compliance of the applicant with the location condition and applicable local ordinances. The Commissioner is also required to hold a public hearing on any application for a new methadone clinic and to publish a summary of the application in a newspaper of general circulation in the locality for at least seven days prior to the date on which the public hearing is to be held. No license can be issued by the Commissioner until the conditions of this provision for notice, receipt of comments, public hearing, and compliance with the location restriction are satisfied. Existing clinics, i.e., licensed and operating in accordance with the law and regulations in effect on January 1, 2004, are grandfathered. Two enactment clauses provide that: (i) the Board of Mental Health, Mental Retardation and Substance Abuse Services must promulgate emergency regulations; and (ii) the Commissioner must not grant or issue any initial license for a methadone clinic after the date of the enactment of this provision, unless the facility is in compliance with the location restriction, notwithstanding any regulations to the contrary.

*Patrons:* Wampler and Bell; *Delegates:* Johnson and Kilgore

02/03/04 Senate: VOTE: PASSAGE (39-Y 1-N)

02/03/04 Senate: Communicated to House

02/05/04 House: Placed on Calendar

02/05/04 House: Read first time

02/05/04 House: Referred to Committee on Health, Welfare and Institutions

**Notes:** City Position: Oppose

### **SB 655 Business license tax; phase-out in all localities.**

*Summary as introduced:*

**Business license tax phase-out.** Requires localities that impose the business license tax to eliminate it in 25 percent increments annually beginning no later than July 1, 2005. It also repeals the business license tax provisions effective July 1, 2008.

*Patron:* Norment

01/23/04 Senate: Presented & ordered printed 048411780

01/23/04 Senate: Referred to Committee on Finance

01/31/04 Senate: Fiscal impact statement from TAX (SB655)

**Notes:** City Position: Oppose

### **SB 665 Domestic violence or sexual assault; privileged communications between victims and advocates.**

*Summary as introduced:*



**Communications privilege.** Provides that persons defined as domestic violence or sexual assault advocates and persons translating the communications between advocates and victims may not disclose oral or written communications between advocate and victim or be compelled to testify or provide any evidence regarding any such oral or written communications. The privilege does not extend to testimony or reporting requirements in matters relating to child abuse and neglect, nor does it extend to information that an attorney for the Commonwealth is required to disclose in a criminal case.

*Patrons:* Mims, Cuccinelli, Howell, Ticer and Whipple

01/23/04 Senate: Referred to Committee for Courts of Justice

02/04/04 Senate: Reported from Courts of Justice w/amds (9-Y 5-N)

02/06/04 Senate: Constitutional reading dispensed (40-Y 0-N)

02/06/04 Senate: VOTE: CONST. RDG. DISPENSED R (40-Y 0-N)

**Notes:** City Position: Support

### **SB 688 Public-Private Education Facilities & Infrastructure Act; provisions for performance & payment bond.**

*Summary as introduced:*

**Public-Private Education Facilities and Infrastructure Act of 2002.** Amends the Public-Private Education Facilities and Infrastructure Act of 2002 by requiring the comprehensive agreement to include provisions for performance and payment bonds as provided in the Virginia Public Procurement Act and a bid bond in the amount of five percent of the total cost of the project. In addition, the bill requires local governing bodies proceeding under the Act to have the comprehensive agreement approved by the Design/Build Construction Management Review Board and analyzed by the Auditor of Public Accounts prior to final approval. The bill also requires the local governing body to hold a public hearing regarding the nature, costs and other facts relating to the project.

*Patron:* Edwards

02/03/04 Senate: Fiscal impact statement from DPB (SB688)

02/04/04 Senate: Reported from General Laws with sub (13-Y 0-N 1-A)

02/05/04 Senate: Committee substitute printed 042823728-S1

02/06/04 Senate: Constitutional reading dispensed (40-Y 0-N)

02/06/04 Senate: VOTE: CONST. RDG. DISPENSED R (40-Y 0-N)

**Notes:** City Position: Oppose

### **SJ 69 Washington Metropolitan Area Transit Authority; Congress to undertake new commitment for funding.**

*Summary as introduced:*

**Memorializing Congress on financial needs of WMATA.** Memorializes Congress to make a renewed commitment to adequately fund the Washington Metropolitan Area Transit Authority.

*Patrons:* Whipple, Colgan, Howell, Puller and Ticer; *Delegates:* Brink, Ebbin, Eisenberg, Van Landingham and Watts

01/14/04 Senate: Presented & ordered printed, prefiled 01/14/04 047781844

01/14/04 Senate: Referred to Committee on Rules

02/02/04 Senate: Assigned to Rules sub-committee: 3

**Notes:** City Position: Support

**SJ 84 Constitutional amendment; exempts certain motor vehi. from state & local taxation (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); property exempt from taxation.** Amends the Constitution of Virginia to exempt privately owned motor vehicles used for nonbusiness purposes from state and local taxation. If this resolution is enacted by either the 2004 or 2005 General Assembly a second resolution must be introduced and enacted by the 2006 General Assembly in order for this amendment to be on the November 2006 general election ballot.

*Patron:* Hanger

01/14/04 Senate: Presented & ordered printed 041806732

01/14/04 Senate: Referred to Committee on Privileges and Elections

02/03/04 Senate: Continued to 2005 in P. & E. (15-Y 0-N)

**Notes:** City Position: Oppose

**SJ 85 Constitutional amendment; assessment of real property (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); assessment of real property.** Provides that beginning with the 2008 tax year, real property shall be assessed for tax purposes at no more than 102 percent of the assessed value of such property in the preceding tax year. However, if real property is sold, transferred, improved, or rezoned at the owner's request, it shall be assessed at fair market value for the tax year in which such event occurs. Such fair market value assessment shall then be subject to the two percent limitation in subsequent tax years until such time as the property is again sold, transferred, improved, or rezoned at the owner's request.

*Patron:* Hanger

01/14/04 Senate: Presented & ordered printed 042969732

01/14/04 Senate: Referred to Committee on Privileges and Elections

02/03/04 Senate: Continued to 2005 in P. & E. (15-Y 0-N)

**Notes:** City Position: Oppose

RESOLUTION NO. 2095

**WHEREAS**, after considerable study and public debate the Alexandria City Council passed a living wage ordinance in June of 2000; and

**WHEREAS**, two bills (Senate Bill Nos. 290 and 498) have been introduced in the Virginia General Assembly that, if passed, will nullify Alexandria's living wage ordinance and prohibit other jurisdictions in the Commonwealth from enacting similar measures without prior approval from the General Assembly; and

**WHEREAS**, opposition to Alexandria's service contract wage ordinance, commonly referred to as the living wage ordinance, erroneously rests on the grounds that it violates the State Constitution/Dillon Rule because the City of Alexandria failed to obtain prior approval from the General Assembly before enacting it; and

**WHEREAS**, lawful authority for a living wage can be found in the state's Public Procurement Act which allows local jurisdictions to consider "best value" when awarding service contracts; and

**WHEREAS**, the City of Alexandria's experience with the living wage has been a complete success; and

**WHEREAS**, City of Alexandria contracted services benefit from improvements in service delivery quality; and

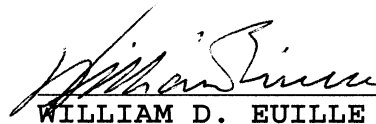
**WHEREAS**, contract employers support a living wage because it helps them to recruit and retain a higher quality, dependable and skilled workforce; and

**WHEREAS**, a living wage benefits low-income wage earners who are able to work fewer jobs, thus enabling them to better provide for basic life necessities and spend more time with their families, and also impacts on the demands for welfare and other forms of public assistance.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA:**

1. That City Council affirms our strong belief that the City of Alexandria's living wage ordinance is both a legal and warranted exercise of local authority under the Commonwealth's service contract act, commonly referred to as the Public Procurement Act; and
2. That City Council strongly urges members of the Virginia Senate's Committee on Commerce and Labor and Committee on Rules, and the entire General Assembly to reject Senate Bill Nos. 290 and 498, and requests that copies of this resolution be provided to Governor Mark Warner, members of the Commerce and Labor and Rules Committees, and the City's General Assembly delegation.

ADOPTED: February 10, 2004

  
WILLIAM D. EUILLE

MAYOR

ATTEST:

  
Jacqueline M. Henderson, CMC City Clerk